



W.A.No.652 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.652 of 2023

D.HAZARATHAIAH

.. Appellant

Vs

- 1 B.HARIPRASAD
- 2 ANDHRA BANK
Rep by its Manager
Head Office 5-9-11
Dr.Pattabhi Bhavan
Secretariat Road, Saifabad
Hyderabad, Telangana State - 500 004.
- 3 THE DEPUTY GENERAL MANAGER
Andhra Bank, No.168 Linghi Chetty Street
Chennai-1.
- 4 THE ASSISTANT GENERAL MANAGER
Andhra Bank, No 168 Linghi Chetty Street
Chennai-1.
- 5 THE AUTHORISED OFFICER (ZONAL OFFICE)
Andhra Bank, No 168 Linghi Chetty Street
Chennai-1.



W.A.No.652 of 2023

6 The Branch Manager
Andhra Bank, G.N.T. Road
Redhills, Chennai-52.

7 MARGADARSI CHITS PRIVATE LTD
No 6, Indian Chambers Building
3rd Floor, Esplanade (Parrys)
Chennai-108.

8 The SUB-REGISTRAR
Sub - Registrar Office
Madhavaram, Chennai - 600 060.

.. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 6.2.2023 passed by the learned Single Judge in W.P.No.7915 of 2020.

For the Appellant : Mr.B.Govindaprabu

For the Respondents : P.Balathandayutham
Special Government Pleader
for 8th respondent

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

This writ appeal is directed against the order dated 6.2.2023 passed by the learned Single Judge in W.P.No.7915 of 2020, which



W.A.No.652 of 2023

was filed by the first respondent herein, B.Hariprasad, who is the auction-purchaser.

2. The appellant is the borrower of loan from the Andhra Bank. As he defaulted in repayment of the loan amount, the property was sold in a public auction and the writ petitioner/first respondent herein was declared as the successful bidder. Pursuant thereto, the first respondent deposited 25% of the sale price, besides the earnest money deposit. The first respondent, in all, paid a sum of Rs.17,45,000/-. However, in view of the order of attachment passed on an application filed by Margadarsi Chits Private Limited, the seventh respondent herein, the sale certificate could not be presented for registration. Therefore, the first respondent filed writ petition seeking a direction on the respondent/Bank to pay the outstanding dues to the seventh respondent to raise the orders of attachment prevailing over the property at Plot No.18, West Part, Swamy Nagar, comprised in Survey No.1395 (Part) as per Patta Survey No.1395/13, Madhavaram Village, Ambattur Taluk, Thiruvallur District measuring



W.A.No.652 of 2023

an extent of 1150 sq.ft. together with superstructure built therein, with a consequential direction to respondent/bank to register the sale certificate without any encumbrance.

3. The learned Single Judge, by order dated 6.2.2023 which is under challenge in this appeal, taking note of the fact that the attachment has been raised, directed the respondent/bank to present the sale certificate for registration before the Sub Registrar, Madhavaram, on or before 28.2.2023. Aggrieved by the said order, the borrower has filed this writ appeal.

4. In the case on hand, it is beyond any cavil that the appellant herein, who is the borrower, has defaulted in making repayment of the loan availed by him. As a consequence thereof, the loan account of the appellant was declared as a "non performing asset" and the secured asset was auctioned. The first respondent herein remained successful in the auction conducted and he had paid a sum of Rs.17,45,000/-. As the property in question was the subject matter of an order of attachment passed in favour of the



W.A.No.652 of 2023

seventh respondent, the sale certificate was not registered in favour of the first respondent. The learned Single Judge recorded in the impugned order that the order of attachment has been raised and, consequently, directed the respondent/bank to present the sale certificate for registration on or before 28.2.2023.

5. The appellant/borrower was a party to the proceedings. Having defaulted in repayment of the loan amount and slept over the matter for all these years, the appellant cannot now file this appeal by pleading that he is ready and willing to make the payment due to the respondent/bank. The respondent/bank followed the procedure contemplated under law and proceeded with the auction, in which the first respondent was declared as the successful bidder and he paid a sum of Rs.17,45,000/-. As the order of attachment in favour of the seventh respondent was also raised, the learned Single Judge directed the respondent/bank to present the sale certificate for registration on or before 28.2.2023. We do not find any infirmity in the order passed by the learned Single Judge.



W.A.No.652 of 2023

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For the foregoing reasons, the writ appeal is dismissed. There will be no order as to costs. Consequently, C.M.P.No.6554 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
24.03.2023

Index : No
Neutral Citation : No
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W.A.No.652 of 2023

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