



WEB COPY



W.P.No.9537 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.9537 of 2022

V.Purushothaman

.. Petitioner

Vs

- 1.The Authorized Officer under SARFAESI Act,
Central Bank of India,
Regional Office,
54, West Boulevard Road,
Opp. Thevar Hall,
Tiruchirapalli-620 008.
- 2.The Regional Manager,
Central Bank of India, Regional Office,
No.48/49, 2nd Floor, Montieth Road,
Egmore, Chennai – 600 008.
- 3.The Branch Manager,
Central Bank of India,
Kandamangalam Branch,
Villupuram District, Tamil Nadu.
- 4.R.Parvathi



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5.M/s.Raj Trailer Industries,
rep. by its Sole Proprietor Raju
No.2/37, Cuddalore Road,
Thirubhuvanai (via), Mannadipet Commune,
Thirubhuvanai, Puducherry.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first and third respondents to return the auction amount of Rs.3,81,000/- with 18% interest from 27.03.2006 to till date of payment within the time stipulated by this Court due to failure of the officials of the Central Bank of India for not handing over the physical possession of the auctioned property till date.

For the Petitioner : Mr.L.Swaminathan

For the Respondents : Mr.M.L.Ganesh
for respondents 1 to 3

: No Appearance
for respondents 4 and 5

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.L.Swaminathan, learned counsel for the petitioner; and Mr.M.L.Ganesh, learned counsel for respondents 1 to 3.

2. Learned counsel for the respondent/bank submits that there is a chequered history. Submissions were made with regard to the tacit



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understanding between the petitioner and the borrower, so also the revalidation of the sale made in the year 2019.

3. We are not inclined to go into the same, as a statement is made by learned counsel for the respondent/bank that within 15 days a fresh application would be filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and the same would be prosecuted diligently.

In view of the above, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.9283 of 2022 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

31.10.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi



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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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