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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11666 of 2023

S.Sathish Kumar

.. Petitioner

Vs.

1. M/s.PNB Housing Finance Ltd.,
Rep. By its Authorised officer,
No.14, 3rd Floor, Sudharshan Building,
Whites Road, Royapettah, Chennai-14.

2. M/s.PNB Housing Finance Ltd.,
Rep. By its Branch Manager,
No.14, 3rd Floor, Sudharshan Building,
Whites Road, Royapettah, Chennai-14.

3. M/s.PNB Housing Finance Ltd.,
9th Floor, Antriksh Bhawan,
22, Kasturiba Gandhi Marg.
New Delhi – 110001.

4. Raj Babu

5. Santhosh

..Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to invoke the powers conferred under Section 14(2) of the Securitisation and



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Reconstruction of Financial assets and enforcement of Security Interest Act, 2002 consequently, direct the first to third respondents to handover the physical possession of the auctioned property more fully described in sale certificate dated 02.08.2019 registered as document No.5021/2019 office of Madhavaram SRO, to the petitioner within the time limit that may be fixed by this Court.

For Petitioner : Mr. J.Venkatesa Perumal

ORDER

This writ petition has been filed seeking a direction to the respondents to invoke the powers conferred under Section 14(2) of the Securitisation and Reconstruction of Financial assets and enforcement of Security Interest Act, 2002 consequently, direct the first to third respondents to handover the physical possession of the auctioned property more fully described in sale certificate dated 02.08.2019 registered as document No.5021/2019 office of Madhavaram SRO, to the petitioner.

2. It is the case of the petitioner that the petitioner has participated in the auction conducted by the first respondent Bank under Section 14(2) of the Securitisation and Reconstruction of Financial assets and enforcement of Security Interest Act, 2002 and the petitioner is the successful bidder and



he has paid the entire amount to the respondents. However, the physical possession has not handed over the petitioner. Thereby, the petitioner made a representation to the respondents to hand over the possession which was purchased by the petitioner in the auction, but no response from the respondents. Hence, the present petition.

3. The learned counsel for the petitioner submitted that this Court may direct the respondents to consider the petitioner's representation and pass appropriate orders within the reasonable time as fixed by this Court.

4. Heard the learned counsel for the petitioner and perused the materials available on record. Since no adverse order are passed against the respondents and hence notice to the respondents is dispensed with.

5. Considering the facts and circumstances of the case and in view of the limited request made by the learned counsel for the petitioner, this Court directs the first respondent to consider the petitioner's representation dated 21.12.2019 and pass appropriate orders after providing opportunity to the petitioner as well as the counter parties, on merits and in accordance with



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law within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

18.04.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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M.DHANDAPANI,J.

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