



W.P.No.15733 of 2023 &
W.M.P.No.18996 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.15733 of 2023
&
W.M.P.No.18996 of 2023

Shanthi

..

Petitioner

Vs.

1. State Bank of India
Stressed Assets Recovery Branch (SARB)
The Authorised Officer
No.377/1, Dr.Namjappa Road
Behind N.S.Palamniappa Hospital
Coimbatore 641 009
Rep. by its Chief Manager.
2. The District Collector
Tiruppur, Tiruppur District.
3. The Tahsildar
Palladam, Tiruppur District.
4. The Superintendent of Police
Tiruppur
Tiruppur District.



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5. The Inspector of Police
Palladam
Tiruppur District.

6. M/s. Pranesh Mills
1/554, Salai Thottam
Chinnia Goundanpalayam
Panicampatti Post
Palladam
Tiruppur District 641 664.

7. S.Dhanabal .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 to 5 to take physical possession of the property the land and power loom godown and building admeasuring an extent of 86 cents comprised in S.F.No.143/1 (as per new sub division 143/1A) the undivided share admeasuring 0.10.5 cents comprised in S.F.No.143/1 (as per new sub division 143/1A), the undivided property admeasuring 11 cents with common rights of 5.5 cents comprised in S.F.No.143/1 (as per sub division 143/1A) and the property admeasuring 61 cents comprised in S.F.No.144/2B, thus totally admeasuring 1.63 acres together with the building and electricity service connection situated at Pankakampatti Village, Palladam Taluk, Tiruppur District from the sixth and seventh respondent and hand over the vacant possession to the petitioner within a time frame that may be fixed by the Hon'ble Court; and



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Writ Miscellaneous Petition under Article 226 of the Constitution of India seeking to implead the petitioner as respondent No.8 in W.P.No.15733 of 2023 on the file of this Court.

For the Petitioner : Mr.R.Rajarajan

For the Respondents : Mr.B.Raghavalu Naidu
for Respondent-1

Mrs.R.Anitha
Special Government Pleader
for Respondents 2 to 5

No appearance -
for Respondents 6 & 7

Mr.S.Mukund
Senior Counsel
For Mr.A.Tamilarasan
for Proposed Respondent-8
(Impleading respondent)

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.R.Rajarajan, learned counsel for the petitioner, Mr.B.Raghavalu Naidu, learned counsel for the first respondent, Mrs.R.Anitha, learned Special Government Pleader for the respondents 2 to 5 and Mr.S.Mukund, learned Senior Counsel, for Mr.A.Tamilarasan,



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for the proposed eighth respondent.

2. The grievance of the petitioner is that the petitioner has purchased the property in an auction conducted under the provisions of the SARFAESI Act. However, the possession is not yet delivered.

3. Learned counsel for the Bank submits that there was small mistake in the warrant with regard to the description of the property. The Bank would move the Chief Judicial Magistrate this week for correction of the same and for taking appropriate steps.

4. Learned Senior Counsel for the applicant in the impleading application submits that they have described the property erroneously in the sale certificate and they are trying to take over the property of the present applicant/intervenor. The intervenor has already filed a civil suit and the same is pending.

5. In the present case, we are not inclined to decide about the



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title or the boundaries. As learned counsel for the respondent Bank submitted that they are moving necessary application for rectification before the Chief Judicial Magistrate this week, no further orders, at present, are necessary to be passed for implementing the order. Under Section 14 of the Act, various steps are prescribed. The parties may avail the same.

6. The Intervenor has already filed a civil suit. It is for the intervenor to take steps in accordance with law in the pending civil suit or against any order that may be prejudicial to his interest.

7. With these observations, the writ petition as well as W.M.P.No.18996 of 2023 stand disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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To

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State Bank of India
Stressed Assets Recovery Branch (SARB)
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKEVALU, J.

(kpl)

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