



WP No.16369 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2023

CORAM

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

AND

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

WP No.16369 of 2023
and WMP Nos.15744 and 15746 of 2023

Selvaraj

... Petitioner

-VS-

1. The State Bank of India,
Rep. by Authorised Officer,
100/2, URC Nagar, Perundurai
Main Road, Erode 638 108.

2. S.Ananthakumar

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the respondents from taking physical possession of the property being house measuring an extent of 1500 square feet in Sri Ram Nagar bearing house site No.133 in R.S.F.Nos.20/12, 21/3, 4, 5 of Veppampalayam Village Perundurai Taluk, Erode, pursuant to the intimation dated 08.05.2023 of the Advocate Commissioner, till the Appeal in S.A.Diary No.458 of 2020 before the Debt Recovery Tribunal (DRT), Coimbatore is taken up and heard.

For the Petitioner : Mr.R.Prabakar



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For the Respondents : Ms.S.R.Sumathy for R-1
: Mr.M.Guruprasad for R-2

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.R.Prabakar, learned counsel for the petitioner, M/s.S.R.Sumathy, learned counsel for the first respondent and Mr.M.Guruprasad, learned counsel for the second respondent.

2. The learned counsel for the first respondent bank submits that the petitioner has paid the entire loan amount and there are no dues against the petitioner.

3. As far as the e-auction sale is concerned, the e-auction purchaser/second respondent has received back 75% of the amount deposited by him. The dispute is about the EMD amount. In case there is some dispute between the bank and the e-auction purchaser, the e-auction purchaser may take appropriate steps against the bank.



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With the above observation, the writ petition is disposed of.

There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(P.D.A., J.)

14.09.2023

Index : Yes/No

Neutral Citation : Yes/No

sra

To

1. The Authorised Officer,
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKEVALU, J.

(sra)

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