



W.P.Nos.17485 & 17488 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2023

CORAM :

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

AND

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

W.P.Nos.17485 & 17488 of 2023

1. Devendra Bhandari
2. Jitendra Bhandari
3. Mahendra Bhandari

.. Petitioners

Vs.

The Authorised Officer
Indian Bank
Asset Recovery Management Branch II
2nd Floor, C & C Road, Ethiraj Salai
Egmore, Chennai 600 008.

.. Respondent

Prayer: Petitions filed under Article 226 of the Constitution of India seeking a

(i) writ of Mandamus directing the respondent to hand over physical vacant possession of the property bearing Door Nos.50 & 52 (Old Nos.6/2, 2A, 2B, 2C, 2D, 2E, 2F and 2G), Ibrahim Sahib Street, Kaspa, Vellore Town, measuring an extent of 0.63 acres, comprised in T.S.No.141/1 of Kaspa Vellore Town, to the petitioners in terms of



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representation dated 15.05.2023 sent by them to the respondent within a time limit to be fixed by this Hon'ble Court; and

(ii) writ of Mandamus directing the respondent to issue the revalidated Sale Certificate and to handover all the original Title Deeds to the petitioners in terms of representation dated 15.05.2023 sent by them to the respondent within a time limit to be fixed by this Hon'ble Court.

For the Petitioners : Mr.Ilayaraj Kumar
For M/s. Ramalingam and
Associates

For the Respondent : Mr.N.Somasundaar

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.Ilayaraj Kumar, learned counsel for the petitioners and Mr.N.Somasundaar, learned counsel for the respondent.

2. In these writ petitions, the reliefs claimed are that the respondent bank is not taking steps to deliver possession in spite of the fact that the sale had taken place in the year 2010. The title documents of the erstwhile owner are also not delivered and further,



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the sale certificate be revalidated.

3. Learned counsel for the respondent bank submits that the initial application filed by the bank was rejected by the Chief Judicial Magistrate. The matter went up to the Apex Court. The Apex Court held that the Chief Judicial Magistrate has powers. Now, the respondent bank has filed the application for revival of the said proceeding and the next date is kept on 05.08.2023. The respondent bank may prosecute the said proceedings diligently.

4. As far as title deeds are concerned, learned counsel for the respondent bank submits that there were lot of litigations and as such, documents are not being traced. The moment it is traced, the original title deeds would be handed over to the auction purchasers.

5. As regards the revalidation of sale certificate, the respondent bank shall take steps in accordance with law, expeditiously.

6. With these observations, the writ petitions stand disposed of.



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There will be no order as to costs. W.M.P.No.16626 and 16627 of 2023 filed to permit the petitioners to file a single writ petition are allowed, inasmuch as they have paid separate court-fee.

(S.V.G., CJ.)

(P.D.A., J.)

18.07.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

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AND
P.D.AUDIKESEVALU, J.

(kpl)

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