



W.P.No.17997 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2023

CORAM :

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

AND

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

W.P.No.17997 of 2023

Krishnakumar .. Petitioner

Vs.

1. M/s.UCO Bank, ICF Colony Branch
Rep. by its Authorised Signatory
ICF Bus Terminus
Chennai 600 038.

2. S.Kumar .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the impugned Sale Certificate vide Doc.6940 of 2022 dated 29.08.2022 issued in favour of second respondent and quash the same and the proceedings arising thereof.

For the Petitioner : Mr.Leelash Sundaram
for Nathan and Associates

For the Respondents : Mr.R.Selvakumar
for R1

R2 not ready in notice



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ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.Leelash Sundaram, learned counsel for the petitioner
and Mr.R.Selvakumar, learned counsel for the first respondent.

2. The contention of the petitioner is that the property of the petitioner has been sold for an amount more than the amount recoverable by the Bank.

3. Learned counsel for the Bank admits that the amount of Rs.3,85,512/- is recovered in excess and the Bank is ready to pay the said amount to the petitioner, however, the petitioner is not vacating the subject premises.

4. Learned counsel for the petitioner submits that the subject premises is a residential house and is seeking time to find an alternate accommodation.



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5. Be that as it may, considering the fact that excess amount is recovered by the Bank and that the petitioner also has to deliver possession of the writ premises, we pass the following order:

By 10th September, 2023, the petitioner may handover the possession of the subject property to the Bank and the Bank, on the same date, would pay the excess amount recovered, i.e., Rs.3,85,512/-, as admitted by the Bank, to the petitioner.

6. With these observations and directions, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.17154 & 17155 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

22.08.2023

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(drm)

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