



W.P.No.18211 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2023

CORAM :

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

AND

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

W.P.No.18211 of 2023

G.Suresh

.. Petitioner

Vs

1.The State Bank of India,
Asset Recovery Management Branch,
No.44, Eldams Road,
1st Floor, Teynampet,
Chennai-600 018.

2.The Authorized Officer,
Asset Recovery Management Branch,
No.44, Eldams Road,
1st Floor, Teynampet,
Chennai-600 018.

3.G.Devaghi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the first respondent to refund a sum of Rs.73,90,000/- together with interest at 18% deposited by the petitioner pursuant to the sale conducted



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on 26.4.2023 and sale certificate dated 5.5.2023 issued by the second respondent based on the representation of the petitioner dated 20.2.2023.

For the Petitioner : Mr.Sharath Chandran

For the Respondents : Mr.B.Raghavalu Naidu
for respondents 1 and 2

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.Sharath Chandran, learned counsel for the petitioner, and Mr.B.Raghavalu Naidu, learned counsel for respondents 1 and 2.

2. Learned counsel for the petitioner submits that the petitioner is a successful bidder in the auction conducted by the bank under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Even sale certificate was issued in favour of the petitioner. The borrower approached the Debts Recovery Tribunal and interim orders are passed. The bank is enjoying the amount paid by the



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petitioner and the property is still enjoyed by the borrower. The sale certificate in favour of the petitioner is not being registered, nor the amount is being returned to the petitioner. The petitioner also filed an application for impleadment before the Debts Recovery Tribunal, but that application is also not considered.

3. Learned counsel for the bank submits that the bank had also moved a writ petition, bearing W.P.No.17577 of 2023, for expeditious disposal of T.S.A.No.181 of 2023 pending with the Debts Recovery Tribunal. This court under order dated 14.6.2023 disposed of the same, wherein the bank was given liberty to make a request to the Debts Recovery Tribunal-III, Chennai, for deciding the securitisation application expeditiously. We had also observed that the Tribunal may consider the fact that the matter was filed earlier and the same is transferred to it.

4. Learned counsel for the bank submits that steps are already taken by the bank in the pending application before the Debts Recovery Tribunal.



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5. In the light of that, the petitioner may get the application for impleadment decided and the Tribunal would also consider the earlier order passed by this court on 14.6.2023 in W.P.No.17577 of 2023 for expeditious disposal of T.S.A.No.181 of 2023.

With these observations, the writ petition stands disposed of.
There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

19.06.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

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

(sasi)

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