



W.P.No.31070 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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M.Sundarrajan

.. Petitioner

Vs.

1. Bank of Baroda
(Erstwhile Vijaya Bank)
Rep. by its Authorised Officer
V.Raj Shekhar, Chief Manager
Ashok Nagar Branch
No.22, 10th Avenue, Ashok Nagar
Chennai – 600 083.

2. M/s.JK Enterprises
Rep. by its Proprietor
Anand Kumar V.K.

3. Anand Kumar V.K.

4. A.Sujatha

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the first respondent to register the sale certificate dated 02.09.2023 in favour of the petitioner and also to hand over the physical possession of the schedule of property to the petitioner.



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For the Petitioner : Mr.L.Thiyagaiya

For the Respondents : Mrs.Revathi Manivannan
for R1

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.L.Thiyagaiya, learned counsel for the petitioner and

Mrs.Revathi Manivannan, learned counsel for the first respondent.

2. The present writ petition is filed seeking a direction against the Bank to register the sale certificate.

3. Learned counsel for the petitioner submits that the petitioner is the auction purchaser. He has paid the entire amount under the auction, but the Bank has not registered the sale certificate.

4. Learned counsel for the Bank refers to the order dated 06.09.2023 passed by the Debts Recovery Tribunal – II, Chennai in TSA.No.400 of 2023. The said order is to the effect that the Bank should accept the balance amount from the borrower and should refund the amount to the auction purchaser.



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5. Learned counsel for the Bank submits that pursuant to the order, even the demand draft of the amount, which the petitioner deposited, was also given to the petitioner, however he did not accept the same.

6. The auction purchaser will have to represent before the Debts Recovery Tribunal, where TSA.No.400 of 2023 is pending. Depending upon the orders that may be passed by the Debts Recovery Tribunal, the petitioner may take appropriate steps. In that event, all contentions of the petitioner are kept open.

7. In the light of that, the writ petition stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY, J.

(drm)

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