



WEB COPY



W.P.No.31902 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.31902 of 2023

C.Kalaichelvan

.. Petitioner

vs

1.The Authorized Officer,
Encore Asset Reconstruction Company
Private Limited,
No.101, Executive Zone,
Shakthi Tower, Ground Floor,
No.766, Anna Salai,
Chennai-600 002.

2.The Encore Asset Reconstruction Company
Private Limited,
Corporate Office,
5th Floor, Plot No.137, Sector-44,
Gurugram-122 022,
Haryana, India.

3.The Encore Asset Reconstruction Company
Private Limited,
Caddle Commercial Tower,
Regus Business Centre, 5th Floor,
Aerocity (Dia),
New Delhi – 110 037.

.. Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to consider petitioner representation dated 13.2.2023 to issue fresh sale certificate or revalidate the sale certificate dated 14.4.2021 executed by the third respondent in favour of the petitioner.

For the Petitioner : Mr.Kamalanathan
for Mr.R.Manibarathi

For the Respondents : Mr.Sathiyamarayanan
Srinivasan

ORDER

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

We have heard Mr.Kamalanathan, learned counsel for Mr.R.Manibarathi, learned counsel for the petitioner and Mr.Sathiyamarayanan Srinivasan, learned counsel for the respondents.

2. Prayer is made to issue fresh sale certificate or revalidate the sale certificate dated 14.4.2021 executed by the third respondent in favour of the petitioner.



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3. It appears that, pursuant to the auction conducted under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the petitioner was declared as a successful bidder. The petitioner has paid the entire sale consideration on 7.4.2021.

4. According to learned counsel for the respondents, the physical possession is delivered on 1.6.2022. Learned counsel for the respondents submits that some proceedings are taken up by the borrower and pending before the Debts Recovery Tribunal by way of Securitisation Application.

5. The respondents would be justified if there are prohibitory orders passed by the Debts Recovery Tribunal in the pending Securitisation Application. In case there is no prohibitory order passed by the Debts Recovery Tribunal or any other forum, the respondents shall revalidate the sale certificate dated 14.4.2021 executed by the third respondent in favour of the petitioner within a period of six weeks from today.



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6. With these observations, the writ petition is disposed of.

There shall 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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