



W.P.No.34662 of 2022

WEB COPY

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.34662 of 2022

Bank of India  
Rep. by its Chief Manager/Authorised Officer  
Asset Recovery Branch  
Oppanakkara Street  
Coimbatore – 641 001. .. Petitioner

Vs.

1. The District Collector / District Magistrate  
Office of the Collectorate  
Tiruppur District.
2. Sub Divisional Magistrate &  
Revenue Divisional Officer  
Office of the Revenue Divisional Office  
Tiruppur District.
3. The Tahsildar  
Palladam, Tiruppur Taluk.
4. The Commissioner of Police, Tiruppur.
5. The Inspector of Police  
Palladam Police Station  
Tiruppur. .. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents to take physical possession of the residential land and building in R.S.No.310/1, comprising of 2 house site each having an area of 2400 Sq.ft. i.e. Site No.40 with an extent of 2400 Sq.ft. And Site no 41 consist of two parts, each part consist of an extent of 1200 Sq.ft (Total Area 2400 Sq.ft.) in K.N.S.Garden, Karaiputhur Village, Ganapathypalayam Road, Tiruppur District covered under Order in Section 14 dated 29.08.2021 in K.Dis.No.1846/2018/C3 and 14.09.2021 in Ref.No.3112/2021/A1 on the file of the first and second respondent and hand over the same to the petitioner.

For the Petitioner : Mr.F.B.Benjamin George

For the Respondents : Mr.P.Muthukumar  
State Government Pleader  
assisted by Mr.K.M.D.Muhilan  
Additional Government Pleader

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.F.B.Benjamin George, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader assisted by Mr.K.M.D.Muhilan, learned Additional Government Pleader for the respondents.



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2.1. Learned State Government Pleader, on instructions from the Tahsildar, Palladam, submits that the Bank had filed an application for taking over the possession of the subject property. The District Collector had delegated the powers to the Revenue Divisional Officer to take possession of the property on 14.09.2021. The Revenue Divisional Officer directed the Tahsildar to take possession of the subject property and handover to the Chief Manager/Authorised Officer of the Bank of India.

2.2. The Bank conducted the sale by e-auction on 04.07.2019. One Mr.Sakthi Ganesh had purchased the property. Sale deed was executed by the Bank in favour of Mr.Sakthi Ganesh and the same was registered with the Sub-Registrar at 10.07.2020. The said Sakthi Ganesh sold the same property to Tmt.Amirthanayaki W/o. Mohandoss, who has availed the loan from the petitioner Bank and the said sale is also registered on 19.01.2023.



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3. In the present case, we are not called upon to comment on the transaction between Mr.Sakthi Ganesh and Tmt.Amirthanayaki W/o.Mohandoss. It appears that the writ property had again been given back to the borrower. In fact, the purpose of the present writ petition would not survive now.

4. The writ petition, as such, stands disposed of. There will be no order as to costs.

(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  
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P.D.AUDIKESSAVALU, J.

(drm)

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