



W.P.(MD) No.7949 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.7949 of 2023

Edwin Rathinam

... Petitioner

-VS-

- 1.The District Collector
Trichy District
Trichy
- 2.The Tahsildar
Lalgudi Taluk
Trichy District
- 3.The Indian Overseas Bank
rep.by its Authorized Officer
Lalgudi Branch
No.1, Popular Arcade
Main Road, Lalgudi
Trichy District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the third respondent to handover the possession of the property measuring to an extent of 6365 ¼ sq.feet comprised in Natham Survey No.128 and New Survey No.273/23, situated at Sathamangalam Village, Lalgudi Taluk, Trichy District, pursuant to the sale certificate issued by the third respondent registered as document No.4285/2010, dated 27.10.2010 within the stipulated time as fixed by this Court.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.V.Nirmal Kumar
Government Advocate for R1 & R2
Mr.N.Dilip Kumar for R3

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Prayer in this writ petition reads as follows:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a order or direction in the nature of WRIT OF MANDAMUS, directing the 3rd respondent to handover the possession of the property measuring to an extent of



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6365 ¼ sq.feet comprised in Natham Survey No.128 and New Survey No.273/23 situated at Sathamangalam Village, Lalgudi Taluk, Trichy District pursuant to the sale certificate issued by the 3rd respondent registered as document No.4285/2010 dated 27.10.2010 within the stipulated time as fixed by this Hon'ble Court and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.”

2. Sale of secured asset under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, and purchase of the same by the auction purchaser is essentially a matter of contract between the purchaser and the Bank concerned. We do not think that Article 226 of the Constitution of India is meant for enforcement of such contract. Hence, this writ petition is dismissed. No costs.

[R.S.M., J.]

[L.V.G., J.]

10.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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Trichy.
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