



W.P.(MD) No.8220 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2023

CORAM:

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

W.P.(MD) No.8220 of 2023

K.Balakrishnan

... Petitioner

-VS-

The Manager/Authorised Officer,
State Bank of India,
Thiruvadanai Branch,
Ramanathapuram District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent, either the document as per the declaration of successful bidder in the auction sale in favour of the petitioner for the property measuring to an extent of 2875 ½ sq.ft. comprised in Survey No. 259/2B, Sub Division Survey No.259/2B2 at Sanaveli Village Panchayat, Aranuthimangalam Group, Thiruvadanai Taluk, Ramanathapuram District, and to register the same in the petitioner name or otherwise to pay back entire sale



W.P.(MD) No.8220 of 2023

amount of Rs. 13,60,000/- (Thirteen Lakhs and Sixty Thousand Rupees only) with accrued interest till date that the petitioner have paid on 22.12.2017 as per my representation dated 15.03.2023.

For Petitioner : Mr.R.Anandharaj

For Respondents : Mr.Ananth C.Rajesh

ORDER

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

Mr.Anath C.Rajesh, learned Standing Counsel takes notice for the respondent – bank.

2. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

3. Prayer in this writ petition reads as follows:-

“For the reasons stated in the accompanying affidavit it is therefore prayed that this Hon'ble Court may be pleased to issue a WRIT OF MANDAMUS or order or direction in the nature of writ directing the respondent, either the document as per the declaration of successful bidder in the auction sale in favour of the petitioner for the property measuring to an extent of 2875 ½ sq.ft. comprised in



W.P.(MD) No.8220 of 2023

WEB COPY

Survey No.259/2B, Sub Division Survey No.259/2B2 at Sanaveli Village Panchayat, Aranuthimangalam Group, Thiruvadanai Taluk, Ramanathapuram District, and to register the same in the petitioner name or otherwise to pay back entire sale amount of Rs. 13,60,000/- (Thirteen Lakhs and Sixty Thousand Rupees only) with accrued interest till date that the petitioner have paid on 22.12.2017 as per my representation dated 15.03.2023.”

4. Learned counsel for the respondent – bank would submit that the bank is not able to issue a sale certificate only because of the fact that the Debts Recovery Tribunal had restrained it from issuing a sale certificate. He would also stated that the bank is ready to refund the sale consideration of Rs.13,60,000/- (Rupees Thirteen Lakhs Sixty Thousand only) to the petitioner.

5. Learned counsel appearing for the petitioner would submit that he would be entitled to receive interest also.

6. Though we will be justified in directing the bank to refund the sale consideration with compound interest since it is going to collect the same with



W.P.(MD) No.8220 of 2023

compound interest from the borrower, considering the fact that the bank was also under disability, we direct the bank to refund the sale consideration of Rs.13,60,000/- (Rupees Thirteen Lakhs Sixty Thousand only) with interest at the rate of nine percent per annum from the date of payment till the date of repayment.

7. With the above direction, this writ petition is disposed of. No costs.

[R.S.M., J.] [L.V.G., J.]

28.04.2023

NCC : No
Index : No
Internet : Yes
PKN



WEB COPY



W.P.(MD) No.8220 of 2023

R.SUBRAMANIAN, J.
AND
L.VICTORIA GOWRI, J.

PKN

W.P.(MD) No.8220 of 2023

28.04.2023