



W.P(MD)No.12736 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2023

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.12736 of 2023

State Bank of India
Stressed Assets Recovery Branch
NO.377/1, Dr.Nanjappa Road,
Behind N.S.Palaniappan Nursing Home,
Coimbatore-641 018
Rep by its Chief Manager

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Sub-Collector Office,
N.Pradhaksanam Road,
Madavilagam,
Karur-639 002.

2.The Commissioner,
Karur Municipality,
Azad Road,
Karur-639 001.

3.M/s.Shine Petro Chem & Resins (India) Pvt Ltd.,
Rep by its Managing Director,
No.7K/1, 8, Ramakrishnapuram West,
Karur District,
Karur.

4.Mrs.G.Shanmugavadivu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directions to the 1st respondent



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to transfer the compensation amount of Rs.2,03,25,131/- together with accumulated interest for acquiring the mortgage land situate at Lakshminarayana Samudhram Village, Comprised in S.No.342/C measuring an extent of 1100 sq.mtr and S.No.339/B2 measuring an extent of 850 Sq.mtr., within a time frame.

For Petitioner	: Mr.M.L.Ganesh
For R1	: Mr.N.Muthu Vijayan Special Government Pleader
For R2	: Mr.K.Balasubramanian
For R3&R4	: No appearance

ORDER

The writ petition has been filed in the nature of mandamus seeking a direction to the first respondent to transfer the compensation amount of Rs. 2,03,25,131/- together with accumulated interest towards acquisition of land at Lakshminarayana Samudhram Village, Comprised in S.No.342/C measuring an extent of 1100 sq.mtr and S.No.339/B2 measuring an extent of 850 Sq.mtr.

2.The petitioner, State Bank of India, Stressed Assets Recovery Branch, had initiated the proceedings against the third and fourth respondents under SARFAESI Act. However, the lands aforementioned had come to be acquired by the first respondent. At that time, no objection certificate was sought from the petitioner herein. By letter dated 02.01.2019, the Assistant General Manager of the petitioner, had addressed the second respondent as follows:



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*“The Commissioner,
Municipal Office,
Karur.*

SAMB/CBE/CLO-III/1343

Dear Sir,

Proposed formation of ring road from Karur Railway station to Kanyakumari – Varanasi NH 17 Road – Land mortgaged to the Bank property owner – M/s.Shanmugavadivu, Guarantor – M/s.Shine Petro Chem & Resins India Pvt., Ltd.

We write with interference to our letter no(s).SAMB/CBE/CLO-II/927 dated 18th Agu 2017, SAMB/CBE/CLO-II/2498 dated 07th Dec 2017 and SAMB/CBE/CLO-III/1210 dated 29th Nov 2018 (copy of which is enclosed for ready reference) on the captioned subject. We have given our NOC for acquisition of the land mortgaged to us by the Karur Municipality with a condition that the compensation payable is to be directly paid to the Bank.

2.Please advise the present status of payment of the compensation amount to the bank at the earliest.

Yours faithfully,

-Sd-

Assistant General Manager.”

3.It is thus seen the no objection certificate was issued for the acquisition of lands, which had been mortgaged only with the condition that the compensation is paid to the petitioner herein. Now the compensation had been determined. It is a sum of Rs.2,03,25,131/-. It is only appropriate that it is the first respondent pays the compensation to the petitioner herein. A direction is given to the first respondent to examine the entire records and issue notice to



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the petitioner herein and thereafter pass necessary orders in accordance with the no objection certificate granted by the petitioner. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. It may also be kept in mind by the first respondent that the sooner they complete the process, the lesser would be interest which would accrue on the amount.

4. With the above direction, the Writ Petition is disposed of. No costs.

22.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

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To

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Madavilagam,
Karur-639 002.

2. The Commissioner,
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C.V.KARTHIKEYAN, J.

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