



W.P(MD)No.22516 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2023

CORAM :

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

W.P(MD)No.22516 of 2022

R.S.Ravi

... Petitioner

vs.

1. The Authorized Officer,
Regional Office,
Indian Overseas Bank,
No.4, Bharadhidasan Salai,
Cantonment,
Trichy-1.

2. The Manager,
Indian Overseas Bank,
Thiruvanaikovil Branch,
Thiruvanaikovil,
Trichy-5,
Trichy District.

... Respondents

(R2 is impleaded vide court order dated 19.12.2022 in WMP(MD)No. 18714/2022 in W.P(MD)No.22516/2022)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondent herein to invoke section 14 of SARFESI Act proceedings pertaining to property situated at Trichy District, Srirangam Taluk, Thimmarayasamuthiram Village, Old Ward No.2



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New Ward B, Block No.38, Pulimandapam, Old T.S.No.1886/2, New T.S.No.2451, admeasuring 4980 square feet, and hand over the possession of the same to petitioner within as stipulated period as may be fixed by this Court.

For Petitioners : Mr.R.Sundar
For Respondent : Mr.N.Dilip Kumar, Standing Counsel

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondent herein to invoke Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002,(in short, "the SARFAESI Act") pertaining to property situated at Trichy District, Srirangam Taluk, Thimmarayasamuthiram Village, Old Ward No.2 New Ward B, Block No.38, Pulimandapam, Old T.S.No.1886/2, New T.S.No.2451, admeasuring 4980 square feet, and hand over the possession of the same to petitioner within a time frame.

2. Mr.Dilip Kumar, learned counsel appearing for the respondent Bank would fairly state that the Bank is ready to file an



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application under Section 14 of the SARFAESI Act, provided, the petitioner hands over all the original documents to the Bank.

3. Mr.R.Sundar, learned counsel appearing for the petitioner would submit that he had hand over all the original documents to the then Manager of the respondent Bank in the year 2016 itself.

4. Mr.Dilip Kumar, learned counsel appearing for the respondent Bank would submit that such documents are not available with the Bank.

5. Therefore, the counsel for petitioner is required to hand over the certified copies of the documents to the Bank Manager and upon receipt of the same, the Bank will take proceedings under Section 14 of the SARFAESI Act. If there is any difficulty in prosecuting the proceedings under the SARFAESI Act, for want of original documents, the Bank will duly inform the petitioner accordingly.



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6. The Writ Petition is disposed of with the above observation. No costs.

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

[R.S.M.,J.] & [L.V.G.,J.]
07.03.2023



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

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ORDER MADE IN
W.P(MD)No.22516 of 2022
DATED : 07.03.2023