



WEB COPY



W.P.(MD) No.22465 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA
CHAKRAVARTHY
W.P.(MD) No.22465 of 2023
and
W.M.P.(MD) No.18728 of 2023**

P.Ramkumar

: Petitioner

-VS-

1.M/s. Canara Bank,
Represented by its Branch Manager,
Railway Junction Branch,
1st Floor, City Tower No.1,
Royal Road, Cantonment,
Trichy, Trichy District.

2.The Authorised Officer,
M/s. Canara Bank,
Railway Junction Branch,
1st Floor, City Tower No.1,
Royal Road, Cantonment,
Trichy, Trichy District.



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3.S.Sugumar

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first and second respondents to consider the petitioner's representation dated 29.08.2023 and cancel all SEAR Act proceeding relating to the petitioner's property admeasuring 5151 sq.ft. with residential building situated at T.S.No.10, 11, 16, 10/3 and T.S.No.978/2, Vannarapettai Municipal Puthur, Trichy District, within a stipulated period.

For Petitioner : Mr.B.Rajesh Saravanan

For Respondents 1&2 : Mr.C.Deepak

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 29.08.2023 and to withdraw or cancel all the proceedings under the Securitisation and



Reconstruction of Financial Assets and Enforcement of Security

Interest Act, 2002 [hereinafter referred to as 'the Act'] relating to the petitioner's property.

2.This Court, from the sequence of events even admitted by the petitioner is able to see that the petitioner or his daughter has approached this Court earlier challenging proceedings under the Act. As on date, the property itself has been sold and a third person has also deposited the entire money. The petitioner was unable to comply with several conditions imposed, while granting interim orders earlier in the petitions filed by the petitioner or his daughter. The default according to petitioner was purely on account of the factors which are beyond the control of the petitioner. The petitioner without a concrete proposal has now expressed a hope before this Court to settle the entire dues of the bank.

3.Having regard to the track record of the petitioner, this Court is unable to believe the financial status of the petitioner to



redeem the property. However, it is also open to the petitioner to settle the entire dues as the right of redemption is still available.

Since the petitioner has also availed proper remedy before the Debts Recovery Tribunal earlier through his daughter, this Court finds no merit in this writ petition. However, it is open to the petitioner to approach the auction purchaser to settle the entire dues and redeem the property, if it is permissible in law.

4. Learned Counsel for the petitioner submits that the respondents have taken possession of the property by filing an application under Section 14 of the Act before the Chief Judicial Magistrate concerned. The grievance of the petitioner is that several movables within the house premises of the petitioner are stuck inside. However, the respondent bank states that all the movables have been taken from the house premises and moved to the place hired by the bank. In such circumstances, when the petitioner approaches the respondent bank for return of the movables which belongs to the petitioner, but was removed by the respondent bank and transported to some other place, the



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respondent bank shall hand over all the articles without any resistance. The petitioner shall submit a representation to the bank within a period of one [1] week from the date of receipt of a copy of this order. However, it is open to the petitioner to prosecute the pending applications before the Debts Recovery Tribunal or any other forum.

5.Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

[S.S.S.R., J.]

[D.B.C., J.]

14.09.2023

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

MR



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S.S.SUNDAR, J.
and
D.BHARATHA CHAKRAVARTHY, J.

MR

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