



W.P.(MD) No.24885 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2023

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

W.P.(MD) No.24885 of 2022

1.S.P.R.Rahini Ammal

2.M.Ravindran

... Petitioners

-VS-

1.Indian Bank Circle Office
Madurai
rep.by its Chief Manager
2nd Floor, No.100, 101
East Avani Moola Veedhi
Madurai

2.The Authorized Officer
Indian Bank
Thallakulam Branch
Madurai

3.The District Collector
Sivagangai
Sivagangai District

4.The Tahsildar
Tiruppathur
Sivagangai District



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5.V.Vishalakshi

... Respondents

[R5 is impleaded vide Court
order dated 10.01.2023 in
W.M.P.(MD) No.23117 of 2022]

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to take appropriate steps to execute the orders passed by the third respondent in ROC.H2/9713/2014, on 19.11.2014 and hand over actual physical possession of the property viz. The immovable property bearing Survey No.157/35, Bharathi Nagar, Singampunari, Sivagangai District, described as Item No.1 therein to the second petitioner.

For Petitioners : Ms.J.Anandhavalli

For Respondents : Mr.S.Rengasamy for R1 & R2
Mr.D.Sachi Kumar
Additional Government Pleader for R3 & R4

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard the learned counsel appearing on either side.



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2. It is submitted that the order under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 was passed in the year 2014.

3. The properties are purchased by the petitioners in an auction conducted by the respondent – Bank under the provisions of the SARFAESI Act in the year 2008 and 2010.

4. It is contended that there was a civil suit pending. The said civil suit is dismissed and the appeal is also dismissed.

5. According to the learned counsel for the petitioners, till date, the possession of the properties is not handed over to the petitioners.

6. Learned Standing Counsel appearing for the respondent – Bank submits that within a period of one week from today, the respondent – Bank will make necessary application to the District Collector for delivery of possession of the properties.



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7. Learned Government Pleader appearing for the respondents 3 & 4 submits that within a period of one week from the date of submission of application, orders would be passed and necessary steps would be undertaken for delivery of possession of the properties to the petitioners.

8. In view of the same, no further orders are necessary in the writ petition.

9. The writ petition is accordingly disposed of. No costs.

[S.V.G., .C.J.]

[C.K., J.]

31.08.2023

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

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To:

1.The District Collector,
Sivagangai,
Sivagangai District.

2.The Tahsildar,
Tiruppathur,
Sivagangai District.



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THE HONOURABLE CHIEF JUSTICE
and
C.KUMARAPPAN, J.

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