



W.P.(MD)No.27511 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

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M.Mohamed Agia

... Petitioner

Vs.

1.Indian Overseas Bank,
Rep by its Authorized Officer,
Regional Office, Madurai,
Plot No.40, 80 Feet Road,
Aringar Anna Nagar,
Madurai - 625 020.

2.The Branch Manager,
Indian Overseas Bank,
Uthamapalayam Branch,
Theni District.

3.K.Siddarthan

4.K.Kameswaran

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Respondent No.1 to issue sale certificate in favour of the Petitioner for the e-auction held on 22.09.2023 for the



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Property ID No.IOBA202308 consequently to proceed for registration and hand over the physical possession of the property within the time frame fixed by this Court.

For Petitioner : Mr.U.Shameem John
For Respondents : Mr.N.Dilipkumar
Standing Counsel for R1

ORDER

(Order of the Court was made by **V.LAKSHMINARAYANAN, J.**)

The Writ Petition has been filed to direct the Respondent No.1 to issue sale certificate in favour of the petitioner for the e-auction held on 22.09.2023 for the Property ID No.IOBA202308, consequently to proceed for registration and hand over the physical possession of the property within a time frame.

2. The petitioner has an effective and alternative remedy before the Debts Recovery Tribunal.

3. Here is a case, where the debtor has paid the entire amount and has redeemed the property much before the auction purchaser has paid the remaining amount of 75%. Before the completion of the sale and before issuing sale



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certificate, the debtor has paid the entire amount. Now, the bank has taken a stand that it is not in a position to execute the sale certificate. These issues can be gone into before the Debts Recovery Tribunal.

4. Reserving the right of the petitioner to go before the Debts Recovery Tribunal, the Writ Petition stands dismissed. No costs.

(S.M.S., J.) & (V.L.N., J.)
20.11.2023

NCC : Yes / No
Index : Yes / No
SJ



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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

SJ

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