



W.P.No.1910 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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M/s. Indian Overseas Bank
Rep. by its Authorised Officer Renjith Menon
Ranipet, IC Branch
Ranipet District.

.. Petitioner

Vs.

1. M/s. Sai Technologist
S.No.16/1E, 16/1F, Malemathangal Village
Kugaianallure Post
Katpadi Taluk, Vellore District
Tamil Nadu 632 516.

2. S.Sridharan

3. G.Vinayagam

4. Elangova

5. R.Sumathi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the Chief Judicial Magistrate,



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Vellore to expedite the numbering of the petition filed under Section 14 of the SARFAESI Act by reckoning the title deed and consider the same based on merits in order to enable the petitioner bank to take physical possession in order to hand over the same to the auction purchaser within a time frame fixed by this Court.

For the Petitioner : Ms.Ananda Gomathy

ORDER
(Made by the Hon'ble Chief Justice)

We have heard Ms.Ananda Gomathy, learned counsel for the petitioner.

2. Learned counsel for the petitioner submits that four times, the application filed by the petitioner under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is returned back. Learned counsel submits that all the objections have been rectified. The discrepancy is with regard to the description of the property in the memorandum of title deeds vis-a-vis the sale deed. However, the identification of the property is perfectly carved out.



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3. The office of the Chief Judicial Magistrate may not refuse to register the application filed by the petitioner under Section 14 of the Act only on the ground of discrepancy in the sale deed and the memorandum of title deeds. After registration, it is for the Chief Judicial Magistrate to consider the application on the factual merit of the case, the affect of discrepancy and may pass orders on its own merits and in accordance with law.

4. The writ petition is disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
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