



WEB COPY



WP. No.2922 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

And

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No. 2922 of 2020

M. Janardhanan

...Petitioner

Versus

1.Tamilnadu Mercantile Bank Ltd.,
Represented by the Regional Manager
Coimbatore Regional Office
540, First Floor, DB Road
R.S.Puram, Coimbatore-641 002.

2.The Tamilnadu Mercantile Bank Ltd.,
Represented by the Branch Manager,
Kunnathur Branch,
380/2-4, First Floor,
Perundurai Road
Kunnathur-638 103.

3.Kuppayee @ Kannammal

... Respondents



WP. No.2922 of 2020

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to refund the sale consideration of Rs.20,10,000/-, with documentation and registration expenses of Rs.2,25,000/-, totally Rs.22,35,000/- with 12% interest calculated from 01.12.2018 till the date of payment by considering the petitioner's representations dated 11.12.2018, 12.06.2019, 09.07.2019, 13.08.2019.

For Petitioner : Mr.N.Manoharan
For RR 1&2 : Mr.V. Chandrasekaran
For R3 : No Appearance

ORDER

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

This writ petition is filed for issuance of Writ of Mandamus directing the respondents 1 and 2 to refund the sale consideration of Rs.20,10,000/-, with documentation and registration expenses of Rs.2,25,000/-, totally Rs.22,35,000/- with 12% interest calculated from 01.12.2018 till the date of payment by considering the petitioner's representations dated 11.12.2018 etc. The reason for withdrawing from sale is that possession was not handed over to the petitioner even though the Sale Certificate was issued on 30.11.2018.



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2. This writ petition was filed in the year 2020. The respondents 1 and 2 have now come forward with the case that the respondents is prepared hand over possession and the delay was only because of wrong specification of the Survey Number in the property. It is admitted that the property was sold through public auction dated 22.11.2018 about five years back. The property would have earned some appreciation by now and hence it can also be brought for auction after cancellation of Sale Certificate.

3. It is in the said circumstances, the Writ Petition is disposed of and the respondents 1 and 2 are directed to refund the entire sale consideration of Rs.20,10,000/- with documentation and registration expenses of Rs.2,25,000/- totally Rs.22,35,000/- with 9% interest from 01.12.2018 till the date of payment, upon cancellation of Sale Certificate and recording cancellation of auction sale.

4. Despite notice has been served on the third respondent, there is no representation for the third respondent.



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5. This Court finds service of private notice also on the third respondent and the acknowledgement card is produced. The name of the third respondent also shown in the cause list. It is open to the respondents1&2/Bank to go for fresh auction after following the procedure in accordance with law. Due notice and intimation shall be given to fourth respondent about fresh auction.

6. With the above direction, the writ petition is disposed of. No costs.

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

08.02..2024

msm

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

To

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