



WP No.7235 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

WP No.7235 of 2024

Elkayem Auto Ancillaries (P) Ltd.,
rep. By Executive Director Arvnind Adhi : Petitioner

versus

1.The Union Bank of India
Managing Director & DEO,
Union Bank Bhavan,
239, Vidhan Bhavan Marg,
Nariman Point, Mumbai 400021.

2.The Union Bank of India
Stressed Assets Management Branch,
rep. By its Authorised Officer,
Nos.28 and 39, Whites road,
Royapettah, Chennai 14. : Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to make an application under Section 14 of the SARFAESI Act 2002 before the Chief Metropolitan Magistrate or District Magistrate to effect the delivery of actual physical possession of Industrial Plot No.101A measuring an extent of 1.14 Acres together with building thereon in SIPCOT Industrial complex comprised in S.Nos.98 Part and 99 Part of Zuzvadi Village, Hosur Taluk, Krishnagiri District conveyed under sale Certificate dated 13.03.2023 executed by the 2nd respondent in favour of the petitioner and registered on 24.03.2023 in Doc.No.5618/2023 in the office of the Sub-registrar Hosur and handover the same to the petitioner within a time-frame.



WP No. 7235 of 2024

WEB COPY

For Petitioner : Mr.V.P.Sengottuvel,
Senior Counsel,
for Mr.K.R.Nishanth

For Respondent No.2 : Mr.N.Muthuperiyasamy

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.V.P.Sengottuvel, learned Senior Counsel for the petitioner and Mr.N.Muthuperiyasamy, learned counsel appearing for the second respondent.

2. Learned Senior Counsel for the petitioner submits that though the sale has been confirmed in favour of the petitioner and the petitioner has paid the entire amount in March 2023, possession is not yet delivered.

3. Learned counsel for the second respondent submits that in May 2023, an application was filed before the learned Chief Judicial Magistrate, Krishnagiri, under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, for possession. However, the same was returned



WP No.7235 of 2024

because of certain defects. The defects have been cured and it was re-presented on 03.04.2024.

4. Learned Chief Judicial Magistrate, Krishnagiri, shall decide the said application on merits and in accordance with law, as expeditiously as possible, preferably within a period of four months.

5. The writ petition stands disposed of. There shall be no order as to costs.

(S.V.G., CJ.) (J.S.N.P., J.)
12.04.2024

Index : Yes/No
Neutral Citation : Yes/No
tar

To
The Chief Judicial Magistrate, Krishnagiri



WEB COPY



WP No.7235 of 2024

THE HON'BLE CHIEF JUSTICE

AND

J.SATHYA NARAYANA PRASAD, J.

(tar)

WP No.7235 of 2024

12.04.2024