



WP No.11745 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2024

CORAM

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

AND

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

WP No.11745 of 2024

C.B.Umashankar
rep. By Power of Attorney
C.Brahmanandam : Petitioner

versus

The Authorised Officer,
Canara Bank,
Teynampet, Chennai 18 : Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to handover possession of the secured asset in the property being all the piece and parcel of land in item nos.1 to 4 total measurement of 6570 sq.ft. and the building constructed covered vide registered as document Nos.339/2007, 337/2007, 340/2007 and 338/2007 more fully described in the schedule mentioned in the writ petition or in the alternate return a sum of Rs.2,75,00,000/- and expenses such registration charges, stamp duty and other expenses amount to Rs.30,18,200/- in all Rs.3,05,18,200/- with interest at the rate of 12% p.a. From 04.08.2021 till the date of repayment.

For Petitioner : Mr.A.Arokia Satheesh

For Respondent : Mr.M.L.Ganesh



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ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.A.Arokia Satheesh, learned counsel for the petitioner and Mr.M.L.Ganesh, learned counsel for the respondent.

2. Learned counsel for the petitioner submits that the petitioner is auction purchaser, having purchased the property in the year 2021.

3. Learned counsel for the respondent/bank submits that the bank has already obtained an order under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, on 27.06.2022. The borrower has filed securitisation application before the Debts Recovery Tribunal and the same is coming up for hearing on 29.04.2024. It is further submitted that obstruction was created by the borrower and the Sub Registrar has rejected the same. Now, the borrower is also committing physical obstruction. Learned counsel for the bank further submits that police protection was also sought by the bank.



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4. In case there are no prohibitory orders for execution of the order under Section 14 of the Act of 2002, then, all steps can be undertaken for recovery of possession by the bank, as provided under Section 14 of the Act of 2002. The bank shall take appropriate steps immediately in that regard.

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

(S.V.G., CJ.) (J.S.N.P., J.)
26.04.2024

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

To

The Authorised Officer,
Canara Bank,
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THE HON'BLE CHIEF JUSTICE

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