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W.P.No.15110 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.15110 of 2024

Mr.P.Prakasam .. Petitioner

v.

1. The Manager (NPA)
State Bank of India RACPC Branch
MRC Nagar, Chennai 600 004
2. The Authorised Officer
State Bank of India
CRAMC, LHO
3rd Floor, No.16, College Lane
Nungambakkam, Chennai 600 006 .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd respondent to arrange for the registration of the Sale Certificate, dated 08.05.2023 and subsequently hand over the vacant/physical possession of the e-auctioned property situated in Flat No.3206, Block No.3, 2nd Floor, Appasamy's Trellis North, Door No.184, 188, 190, 192 and 196/1, NSK Salai, Arcot Road, Vadapalani, Chennai 600 026, along with all the original title documents in a time bound manner.



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W.P.No.15110 of 2024

For Petitioner :: Mr.Harhit S.Jain
For Respondents :: Mr.C.S.Sashikumar for
Mr.M.L.Ganesh

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

This writ petition is filed by the auction purchaser seeking for issuance of a mandamus directing the second respondent to arrange for the registration of the sale certificate dated 08.05.2023 and subsequently hand over the vacant/physical possession of the e-auctioned property situated in Flat No.3206, Block No.3, 2nd Floor, Appasamy's Trellis North, Door No.184, 188, 190, 192 and 196/1, NSK Salai, Arcot Road, Vadapalani, Chennai 600 026, along with all the original title documents in a time bound manner.

2. At the outset, this Court finds the callous indifference shown by the respondent Bank in this matter. Despite the fact that the auction was completed in April, 2023, the auction purchaser is not in a position to get possession of the property or the sale certificate registered. The conduct and



W.P.No.15110 of 2024

attitude of the respondent bank in matters like this should be always to ensure that the auction purchaser gets his title deed and possession of the property, as otherwise no prospective buyer would offer anywhere near market value. Over a period of years, the conduct and attitude of banks towards borrowers and auction purchasers indicate that they owe no responsibility or accountable and that for extraneous reasons, they try to convey a message that things will not move as anyone expect in the normal course. If this is the attitude of the respondent bank towards auction purchaser, the economy of country and business prospects of industries will be at stake. The respondent bank admits that the borrower's SARFAESI application was also dismissed long back and there were no further proceedings thereafter. In such circumstances, the respondent bank is directed to arrange for registration of sale certificate within a period of one week and to ensure possession being handed over to the petitioner, pursuant to the order of the Chief Metropolitan Magistrate, within a period of one month from the date of receipt of a copy of this order. Failure will result in imposition of heavy cost on the respondent bank. It is also open to the respondent bank to move an application for police aid and protection to



W.P.No.15110 of 2024

facilitate the bank to take possession and to ensure registration of the sale certificate with the co-operation and coordination of concerned.

3. It is now brought to our notice that the respondents are holding the title deeds of the property. The learned counsel appearing for the respondent bank has only lame excuses by saying that the documents are available before the Debts Recovery Tribunal. Since there is no proceeding pending either before the Debts Recovery Tribunal or Debts Recovery Appellate Tribunal, this Court finds that there is no impediment for the respondent bank to get back the title documents from the Tribunal and handover the same to the petitioner/auction purchaser expeditiously. The writ petition stands disposed of accordingly. No costs.

Index : yes/no
Neutral citation : yes/no
SS

(S.S.S.R.,J.) (N.S.,J.)
31.07.2024

To

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