



WP No.26748 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.26748 of 2023

N.Gunalan

: Petitioner

versus

1.The Manager

Indian Overseas Bank, Kunrathur Branch,
No.1A, Vellala Street, Kunderathur
Chennai 600 069.

2.V.Venkateswaran

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus directing the 1st respondent to evict the 2nd respondent and hand over the physical and free hold possession of the property being all the that piece and parcel of land measuring 1600 sq.ft with house built thereon bearing Door No 12 RBH Block 15 in NH II (LIG 216) Avaiyar street Maraimalai Nagar comprised in S.No.360 (part) Ninnakarai Village, Chengalpet Taluk previously Kancheepuram District presently Chengalpattu District together with R.C.C. Building having ground and first floor herein after called the property which was sold to the petitioner and confirmed such in terms to the sale certificate dated 14.02.2020 registered as document No 2704 of 2020 II Joint Sub Registrar Office, Chengalpat.

For Petitioner	:	Mr.M.Jaisingh
For Respondent No.1	:	Mr.M.Venkatesan
For Respondent No.2	:	Mr.G.V.Sridharan

ORDER



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(Made by the Hon'ble Chief Justice)

We have heard Mr.M.Jaisingh, learned counsel for the petitioner, Mr.M.Venkatesan, learned counsel for the first respondent and Mr.G.V.Sridharan, learned counsel for the second respondent.

2. The petitioner has filed this writ petition seeking for a direction against the first respondent to evict the second respondent and hand over possession of the property.

3. We do not approve of the approach of the first respondent bank. At the first instance, this court was required to issue bailable warrant to the first respondent to secure its presence. In spite of the fact that notice was served, the first respondent did not appear though it is a financial institution.

4. Today, learned counsel for the first respondent bank submits that on 12.03.2024, an application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act') has been filed for



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taking over the possession.

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5. The sale certificate was issued on 14.02.2020. For more than four years, the bank did not take steps to take possession by resorting to Section 14 of the Act. The conduct of the bank is deplorable and by no stretch can be approved.

6. As the application is now filed under Section 14 of the Act, the bank shall prosecute the said application diligently, failing which the petitioner can take further steps against the bank.

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

(S.V.G., CJ.)

(D.B.C., J.)

27.03.2024

Index : Yes/No

Neutral Citation : Yes/No

tar

To

1.The Manager, IOB,
Kunrathur Branch, No.1A, Vellala Street,
Kundrathur, Chennai 600 069.



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