



W.P.No.30604 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.30604 of 2024

S.Martin

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Petitioner

Vs.

1. The Authorised Officer/Chief Manager
Indian Bank
Asset Recovery Management Branch II
No.55, Ethiraj Salai, 4th Floor
Chennai 600 008.

2. The Branch Manager
Indian Bank, Guindy Branch
PB No.3171, 131 SIDCO Building
General Sales Tax Road, Guindy Industrial Estate
Chennai 600 032.

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Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus to direct the respondents to hand over the physical possession of the property admeasuring about 2211 sq.ft. comprised in Old Survey No.1344, Re-Survey No.2770/1B (Part) and another property admeasuring 3040 sq.ft. comprised in Re-Survey No.2770/1 (Part) formerly Re-Survey No.2770/1B, Old Survey No.1344



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(Part), in Triplicane Village and both property situated in Rice Mandy Street, bearing Door No.55, Triplicane High Road, Triplicane, Chennai 600 005 to the petitioner pursuant to the sale certificate dated 22.11.2012 issued in favour of the petitioner by the 1st respondent together with police protection if necessary.

For Petitioner : Mr.R.Anish Kumar

For Respondents : Mr.Jayesh B.Dolia
Senior Counsel
For M/s. Aiyar and Dolia

ORDER

(Order of the Court was made
by the Hon'ble Chief Justice)

Petitioner is seeking a mandamus against respondent bank to hand over physical possession of a property that petitioner had purchased in an auction conducted by the bank. Petitioner states that sale certificate was also issued on 22.11.2012, but possession is yet to be handed over.

2. Shri.Dolia submitted that possession could not be handed over in view of various litigations launched by the borrower and various orders passed by Debts Recovery Tribunal/Debt Recovery Appellate Tribunal which were carried right up to Apex Court, but, very soon, possession will



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be handed over. Shri.Dolia, on instructions from Mr.Satish Kumar, Authorised Officer of Guindy Branch, states that an application has already been filed under Section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and hopefully, within three months, an order under Section 14 will be passed and possession could be handed over.

3. In view of the statement made by Shri.Dolia, counsel for petitioner states that petition be disposed with liberty to approach the Court if need arises.

4. The writ petition is disposed of accordingly with liberty as prayed for. There shall be no order as to costs.

(K.R.SHRIRAM, CJ)

(SENTHILKUMAR RAMAMOORTHY,J.)

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Index : Yes/No
Neutral Citation : Yes/No
kpl



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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY,J.

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