



W.P. No.19631 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 16.04.2025

CORAM :

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

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No.19631 of 2012

Hemalatha Ranganathan,
Rep. by Power of Attorney,
Ranga Subramanian Agent,
No.7, Old No.3, M.G.Ramachandran
Road, Kalashetra Colony,
Besant Nagar, Chennai-90.

Petitioner(s)

Vs

1. The Chairman And Managing Director
Indian Bank, Zonal Office, Chennai.
2. The Authorised Officer,
Indian Bank, Circle Office,
No.55, Ethiraj Salai, Egmore,
Chennai – 600 008.
3. The Authorised Officer,
Indian Bank, ARM Branch,
4th Floor, Liberty Plaza, Himayal Nagar,
Hyderabad – 500 029.



W.P. No.19631 of 2012

WEB COPY

4. Padmavathy,
W/o.R.Vadivelu,
Old No.5, New No.7,
Ganesh Nagar, Anna Nagar, Cuddalore.

5. The Sub Registrar,
District Registrar Office, Saidapet,
Chennai-15.
(R5-impleaded as per order dated
2/8/2013)

Respondent(s)

Prayer: Petition under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records of the sale certificate dated 14.06.2012 registered as document No.4525/2012 on the file of Sub-Registrar, Saidapet, pertaining to the property bearing survey No.161/2&3, 140, Thiruvanmiyur Village, Old Door No.7, New Door No.3, M.G.R.Road, Kalashetra Colony, Besant Nagar, Chennai-600 090 measuring 1204 Sq.ft.+1/2 804 Sq.ft. rear 1606 Sq.ft. along with building ground floor 709 Sq.ft. and 1st floor, 335 sq.ft. and quash the same as null and void and consequentially direct the Sub Registrar, Saidapet to cancel the sale certificate dated 14.06.2012 registered as document No.4525/2012 on the file of the Sub-Registrar, Saidapet, pertaining to the property bearing Survey No.161/2&3, 140 Thiruvanmiyur Village, Old Door No.7, New No.3, MGR Road, Kalashetra Colony, Besant Nagar, Chennai – 600 090 “measuring 1204 sq.ft + 804 sq.ft. along with building ground floor 709 sq.ft. and 1st floor 335 sq.ft.



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W.P. No.19631 of 2012

For Petitioner(s): Mr.A.Arokia Satheesh
for Mr.S.Sethuraman

For Respondent(s): Mr.Jayesh B.Dolia, Senior Counsel
assisted by Ms.B.Rajeswari
for M/s.Aiyar and Doliar for R1 to R3

Mr.V.Ragavachari, Senior Counsel
for M/s.R.Gururaj for R4

Mr.Habeeb Rahman,
Government Advocate for R5

ORDER

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

Pursuant to the order dated 19.2.2025, the Government Surveyor, admittedly, surveyed the property on 11.3.2025 and a report has also been prepared.

2. Petitioner has certain objections to the report, particularly with regard to the common passage on the eastern side of the property.

3. Shri Sathish submitted that on the upper floor admeasuring 400 sq.ft. an illegal construction has been made by fourth respondent, which



W.P. No.19631 of 2012

Shri Raghavachari, appearing for fourth respondent, naturally denies.

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4. Shri Raghavachari states that first floor was always there when the property was sold by the bank to his client and if at all petitioner feels that fourth respondent has got more than what was mortgaged, certainly that grievance can be raised by borrower and not petitioner. In any event, we agree with Shri Raghavachari that disputed questions of fact are involved.

5. Shri Raghavachari, in fairness, also states that, if there are any obstructions in the common passage, those obstructions will be removed within two weeks from today and the passage as per the measurement given in the sketch by the Government Surveyor on 13.3.2025 will be maintained free from obstructions.

6. In these circumstances, since disputed questions of fact are involved, we are unable to exercise our jurisdiction under Article 226 of the Constitution of India. It is open to petitioner to file a suit or take such action as advised in accordance with law to assert her rights.



W.P. No.19631 of 2012

Petition is disposed of accordingly. There shall be no order as to costs.

(K.R.SHRIRAM, CJ.)

(MOHAMMED SHAFFIQ, J.)

16.04.2025

Index : Yes/No (1/3)
Neutral Citation : Yes/No
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WEB COPY



W.P. No.19631 of 2012

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WP No.19631 of 2012

16.04.2025
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