



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-07-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 4334 of 2025

1. Gohila

W/o.Sivamoorthy,
No.6E-Anai Muniyappan Kovil,
Mettur Dam-1, Salem District

Petitioner(s)

Vs

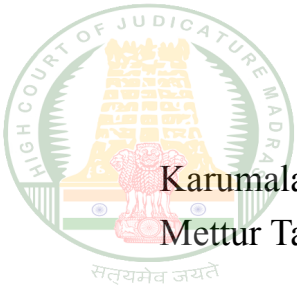
1. The Sub Registrar
Mettur, Salem District

2.Housing Development Finance
Corporation Ltd
(HDFC Ltd),
HDFC House, No.29, Kamaraj Road,
Coimbatore-641 018
Rep By Its Authorised Officer

3.The Superintendent Of Police
Salem, Salem District.

4.The Deputy Superintendent Of Police
Mettur, Salem District

5.The Inspector Of Police



Karumalaikoodal Police Station,
Mettur Taluk, Salem District

WEB 6.Lenindas Rubi

W/o.Jegadeeshkumar, No.10/1-43,
Pudhusampalli, Veerakkalpudur,
Mettur Taluk, Salem District

7.Jegadeesh Kumar
S/o.P.Selvaraj, No.10/1-43
Pudhusampalli, Veerakkalpudur,
Mettur Taluk, Salem District

Respondent(s)

PRAYER: The writ petition has been filed under Article 226 of the Constitution of India for issuing a Writ of of Mandamus directing the 2nd respondent bank to clear all obstructions and illegal grabbing made by the respondents 6 and 7 on the house property situated in S.No.96/1A1A, 96/2B1A to the extent of 2742.5 sq.ft at No.10/1-43, Pudhusampalli, Veerakkalpudur, Mettur Taluk Salem District with the aid of the respondents 3 to 5 and hand over the possession to the petitioner as per the sale certificate executed by the 2nd respondent in document in D.No.4113 of 2024 dated 07.10.2024 before the Sub Registrar, Mettur.

For Petitioner(s): V.Elangovan

For Respondent(s): Mr.E.Vijayanand,
Additional Government Pleader
For R1
Mr.K.J.Parthasarathy, For R2
Mr.V.Meganathan, For R3 to R5
Mr.Deepak Kumar, For R6 & R7



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ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 2nd respondent to clear all obstruction and the illegal grabbing of property made by respondents 6 & 7 in the subject property with the aid of respondents 3 to 5.

2. The case of the petitioner is that she participated in the e-auction that was conducted by the 2nd respondent and was the successful bidder and the petitioner purchased the property. The 7th respondent filed an appeal before the Debt Recovery Tribunal, Coimbatore and he was directed to deposit a sum of Rs.7,00,000/- on or before 14.05.2024 and the balance amount of Rs.7,00,000/- on or before 11.06.2024, failing which the bank was at liberty to confirm the auction sale. The said order was not complied with and hence, the sale was confirmed in favour of the petitioner and the sale certificate was issued in the name of the petitioner on 07.10.2024 and it was also registered before the Sub Registrar, Mettur.

3. The grievance of the petitioner is that even after the sale certificate was registered, the respondents 6 and 7 were squatting on the property and were not permitted the petitioner to take possession of the property. It is under these



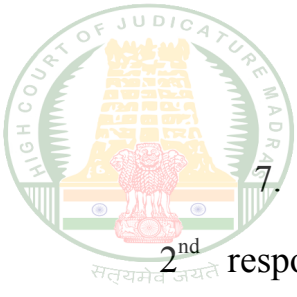
circumstances, the present writ petition came to be file before this Court.

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4. It is seen from the records that the 2nd respondent bank already filed an application under Section 14 of the SARFAESI Act before the Chief Judicial Magistrate, Salem in Crl MP No.712 of 2019 and this petition was allowed by an order dated 04.07.2020 by appointing an Advocate Commissioner for taking over physical possession of the property. Thus, inspite of such an order being passed, the respondents 6 and 7 have managed to take illegal possession of the property and an FIR came to be registered in Crime No.192 of 2024.

5. The learned Government Advocate appearing on behalf of the respondents 3 to 5 submitted that investigation has been completed and the police report has been filed before the Judicial Magistrate II, Mettur and the case is pending in CC No.593 of 2024.

6. In the considered view of this Court, the respondents 6 and 7 cannot be permitted to take law into their own lands. The possession was taken by the bank and a security was posted and he was attacked and the possession was illegally taken by the respondents 6 & 7. As a result, the criminal case is now pending before the concerned Court. Under such circumstances, the petitioner, who is a auction purchaser cannot be deprived of the property.



7. In the light of the above discussion, there shall be a direction to the 2nd respondent to immediately take necessary action with the help of respondents 3 to 5 and take possession of the property and hand over the same to the petitioner. This process shall be completed within a period of four weeks from the date of receipt of a copy of this order.

8. This writ petition is disposed of with the above directions. No costs.

30-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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