



WP Nos.33288 of 2013 and 27261 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2025

CORAM

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

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

WP Nos.33288 of 2013 and 27261 of 2015
and M.P.Nos.1 and 1 of 2013 and 2015

WP No.33288 of 2013

1.M/s.Parkway Travel Tours (P) Ltd.
Rep. By Its Director cum Chairman
Ashfaq Ahmed

2.Ashfaq Ahmed : Petitioners

Vs

1.Indian Bank
Park Town Branch
Chennai 3

2.The Debt Recovery Appellate Tribunal,
Chennai : Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records relating to the order passed by the second respondent herein dated 03.05.2013 passed in M.A.No.48 of 2010 (I.A.No.166 of 2008 in D.R.C.No.48 of 2006 in



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O.A.No420 of 2001-DRT-II Chennai) and quash the same.

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For Petitioner : Mr.Senthilkumar
For 1st Respondent : Mr.F.B.Benjamin George
R2 Tribunal

WP No.27261 of 2015

Ashfaq Ahmed : Petitioner
versus

- 1.The Chief Manager,
Indian Bank, Park Town Branch,
Now transferred to
Asset Recovery Management Branch-I
Ethiraj Salai, Chennai - 600 002
- 2.The Recovery Officer,
Debts Recovery Tribunal-II,
Chennai 600 002
- 3.Abdul Khader
- 4.Indian Overseas Bank, ARM Branch,
Chennai 2

(R-4 impleaded vide order dated 06.04.2023
in WMP No.7841 of 2023) : Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Certiorarified Mandamus calling for records pertaining



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to the E auction sale notice dt. 24/6/2015 in DRC 48/2006 conducted on 24.06.2015 by 2nd Respondent the Recovery Officer DRT-II Chennai and quash the same and consequentially direct the Recovery Officer to cancel the sale certificate issued in favour of the 3rd Respondent herein to the property bearing S.No.99/1 rest checking 9801 Sq. Feet situated at Pammal Village Saidapet Taluk Chengalput District.

For Petitioner(s):

Mr.S.Sethuraman

For Respondent(s):

Mr.F.B.Benjamin George, for R1

R2-Tribunal

Mr.Vignesh Imayavaramban, for R4

R3-No appearance

COMMON ORDER

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

We are unable to fathom as to why petitioner is still agitating WP No.33288 of 2013, which was filed way back in the year 2013.

2. Petitioners' case is that they borrowed money both from Indian Overseas Bank and Indian Bank. Petitioners had also mortgaged two



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properties to Indian Overseas Bank and Indian Bank. Indian Bank, which had a second charge on both properties, took an attachment order and brought the property for sale and the property was also sold. According to petitioners, it was sold at a much lesser price.

3. Petitioners' case is that since Indian Overseas Bank had the first charge, sale proceeds, even though it is lesser than the actual market price, should go to Indian Overseas Bank.

4. Counsel for Indian Overseas Bank also says the same thing.

5. We dispose of the petition with an observation that it is open to Indian Overseas Bank to claim the money from the Recovery Officer.

6. Rights and contentions of Indian Bank is also kept open.

7. If any such application is made by Indian Overseas bank to the Recovery Officer, naturally, petitioners should also be made a party there.



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8. In view of the order passed in WP No.33288 of 2013, WP No.27261 of 2015 is closed. There will be no order as to costs. Consequently, all the interim applications also stand disposed of.

(K.R.SHRIRAM, CJ.)

(SENTHILKUMAR RAMAMOORTHY, J.)

02.01.2025

Index : Yes/No
Neutral Citation : Yes/No
tar

To

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Park Town Branch, Chennai 3
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- 3.The Chief Manager,
Indian Bank, Park Town Branch,
Now transferred to
Asset Recovery Management Branch-I
Ethiraj Salai, Chennai - 600 002
- 4.The Recovery Officer,
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- 5.Indian Overseas Bank, ARM Branch, Chennai 2



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THE HON'BLE CHIEF JUSTICE

AND

SENTHILKUMAR RAMAMOORTHY, J.

(tar)

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