



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-08-2025

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CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 29641 of 2025

1. M.S.Theperumal
S/o Sarangapani,
Flat No 1 Ground Floor, Akash
Apartments, No 46/8
Panchaliiamman Kovil Street,
Arumbakkam,
Chennai 600 106

Petitioner(s)

Vs

1. The General Manager
(Principal Nodal Officer)
Bank Of Baroda, Baroda Bhawan,
7th Floor, R.C. Dutt Road,
Vadodara 390007

2.The General Manager
Bank Of Baroda,
Baroda Corporate Centre, C-26 G
Block, Bandra Kurla Complex,
Bandra East, Mumbai

3.The Chief Manager And
Authorized Officer
Bank Of Baroda, Zonal Stressed
Asset Recovery Branch, First
Floor, No 74, Theagaraya Road,
T Nagar, Chennai 600 017

Respondent(s)



PRAYER

Writ petition filed under Article 226 of Constitution of India for the issuance of writ of Mandamus directing the 3rd respondent to execute a sale deed in respect of the property sold to petitioner as per the sale certificate dated 21.03.2020.

For Petitioner(s): Mr.A.Mohan
For Mr.R.Sreedhar
Respondent(s): Standing counsel for R1 to R3

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 3rd respondent to register the sale certificate dated 21.03.2020 in favour of the petitioner.

2. The case of the petitioner is that he is the auction purchaser of a flat that was sold pursuant to the e-auction sale notice of the 3rd respondent. The petitioner paid the entire sale consideration and a sale certificate dated 21.03.2020 was also issued in favour of the petitioner.

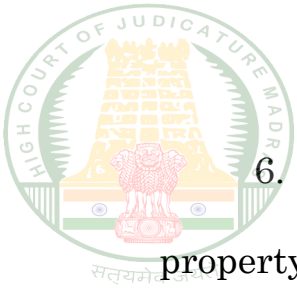
3. The grievance of the petitioner is that there is a car park facility available and it forms part of the flat, which has been sold in



favour of the petitioner in the e-auction. However, since there is no specific mention regarding the same in the sale certificate, it has caused a serious dispute along with the neighbour, who is not permitting the petitioner to utilize the car parking. Under such circumstances, the petitioner wants the respondent bank to include the car parking space also in the sale certificate before registering the same.

4. The respondents have filed a counter affidavit. The respondents have taken a stand that the sale certificate has been issued in favour of the petitioner by describing the subject property in line with the description found in the e-auction sale notice. It is further stated that the petitioner has a dispute with his neighbour regarding the car parking facility and the respondent bank will have nothing to do with the said dispute. The respondent bank is willing to register the sale certificate in favour of the petitioner as it is.

5. This Court has carefully considered the submissions made on either side and also perused the materials available on record.



6. In the considered view of this Court, the description of the property in the sale certificate is perfectly in line with the description as found in the e-auction sale notice. According to the petitioner, the subject flat has a car parking facility also and a specific space has been earmarked even in the construction and builders agreement. Since It has not been mentioned in the sale certificate, it is causing a dispute with the neighbour.

7. If there is any parking facility attached to the flat that was purchased by the petitioner in the e-auction and the petitioner is being prevented by a neighbour from utilizing the car parking space, the petitioner has to independently agitate that dispute before the concerned forum. The respondent bank cannot be roped in this dispute and they are willing to register the sale certificate with the description of the property in line with the one found in the e-auction sale notice. Hence, there shall be a direction to the respondents to ensure registration of sale certificate in favour of the petitioner. Insofar as the car parking dispute is concerned, the petitioner will be entitled to independently agitate the same before the concerned forum in accordance with law. This liberty will sufficiently take care of the grievance expressed by the petitioner.



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8. This writ petition is disposed of in the above terms. No costs.

22-08-2025

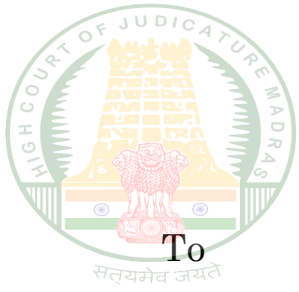
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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes/No

Neutral Citation:Yes/No



To

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Nodal Officer)
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