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WP No. 41875 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 41875 of 2025

Anil Kumar Punathil

Petitioner(s)

Vs

1. M/s Bank Of India
Asset Recovery Management Branch,
Bank Of India Building, 1st Floor S.V.
Road, Andheri (west) Mumbai 400 058.

2.M/s Bank Of India
Asset Recovery Department,
Bank Of India Chennai Zone,
Chennai 600 001.

Respondent(s)

PRAYER; This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to handover the original title deed and parental documents, to register the sale certificate, and to deliver physical possession of the schedule property to the petitioner within the stipulated time frame fixed by this Hon'ble Court.

For Petitioner(s): M/s L. Thiyagaiya

For Respondent(s): M/s.F.B.Benjamin George For
R1 & R2



ORDER

This petition has been filed seeking a direction to the respondents to handover the original title deed and parental documents to register the sale certificate, and to deliver physical possession of the schedule property to the petitioner.

2. It is the case of the petitioner that the petitioner is a bonafide third party auction purchaser, having emerged as the successful highest bidder in the public E-auction conducted by the first respondent on 25.01.2023 under SARFAESI Act, 2002. The petitioner remitted the full auction sale consideration of Rs.74,00,000/- and applicable TDS, pursuant to which, the first respondent had issued a sale certificate dated 17.12.2023. The secured asset belongs to the 3rd respondent, who is the guarantor of the loan account maintained with the first respondent in the name of M/s.D.G.Power Electricks and Projects Pvt. Ltd. And they were irregular in repayment. Hence, the first respondent classified the third respondent account as NPA. The public E Auction was again held on 25.01.2023, in which, the petitioner participated and emerged as highest bidder. Though the sale certificate was issued on 17.02.2023, the petitioner had been approaching the respondents 1 & 2 to hand over the original title deed which the petitioner purchased in the said auction and the same is required for registration of the sale certificate in favour of the petitioner along with to deliver physical



possession of the schedule property. However, despite repeated email communications, the respondents have failed to handover the original title deed and parental documents and also not delivered the physical possession. Hence, the present writ petition.

3. The learned Standing Counsel appearing for the respondent did not dispute the facts of the petitioner. Admittedly the petitioner is the successful auction purchaser and he remitted entire amount. However, due to some protocol difficulties, the possession is not handed over to the petitioner. However, the sale certificate will be registered in favour of the petitioner and possession will be handed over to him within a reasonable time as fixed by this Court.

4. Heard the learned counsel for both side and perused the materials available on record.

5. Admittedly, the petitioner is an auction purchaser and after payment of entire amount, the original title deed has not been handed over to the petitioner, which is not sustainable. In view of the same, there shall be a direction to the first respondent to hand over the original title deed and parental documents to the petitioner within a period of four weeks from the date of receipt of a copy of this order and register a sale certificate and hand over the physical possession to the



petitioner within a period of six weeks thereafter.

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6. With the above directions, the writ petition is disposed of. No costs.

27-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1.M/s Bank Of India

Asset Recovery Management Branch,

Bank Of India Building, 1st Floor

S.V. Road, Andheri (west)

Mumbai 400 058

2.M/s Bank Of India

Asset Recovery Department,

Bank Of India Chennai Zone,

Chennai 600 001



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M.DHANDAPANI J.

rli

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