



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2025

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THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.48550 of 2025
and WMP.No.54209 of 2025

R.Aishwarya

.. Petitioner

Versus

1.Indian Bank
 Saidapet Branch
 Rep by its Chief Manager and Authorised Officer
 Bali Towers, No.1, Abdul Razzack Street
 Saidapet, Chennai – 600 015

2. S.Lalitha

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider the sale of the property to the petitioner by fixing a proper sale consideration and by granting sufficient time to be fixed by this Court for completing the sale transaction of the said flat at No.1, Second Floor, Plot No.51 (Part) Eastern Portion and Plot No.50(Part) Western Portion, Layout No.3, Dheeya Apartments, No.42, Pallikaranai Village, Kuber Nagar Extension, Ram Nagar South Madipakkam, Chennai – 600 091 which is in the occupation of the petitioner/tenant.

For Petitioner : Ms.Subhashini
 for M/s.Chennai Law Associates
 For Respondents : Mr.R.Sreedhar for R1
 Standing Counsel

ORDER

By consent of both parties, this petition is taken up for final disposal in the



WP.No.48550

admission stage itself.

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2. This writ petition is filed for a direction to first respondent to consider the sale of the property to the petitioner by fixing a proper sale consideration and by granting sufficient time to be fixed by this Court for completing the sale transaction of the said flat at No.1, Second Floor, Plot No.51 (Part) Eastern Portion and Plot No.50(Part) Western Portion, Layout No.3, Dheeya Apartments, No.42, Pallikaranai Village, Kuber Nagar Extension, Ram Nagar South Madipakkam, Chennai – 600 091 which is in the occupation of the petitioner/tenant.

3. Heard learned counsel for the petitioner and the learned standing counsel for the respondents and perused the materials available on record. Since no adverse order is passed against the private respondent, notice to the private respondent is dispensed with.

4. It is the contention of the petitioner that she became a tenant in the year 2015 in the subject property and the landlord had availed certain loan facilities from the bank, after that, he has defaulted. In this regard, on 15.03.2017, the petitioner has offered to purchase the property for Rs.33 lakhs, though the respondent has agreed earlier, later by letter dated 12.06.2017 has indicated that the petitioner has not paid the amount as fixed by the bank in time, they paid only Rs.4.3 lakhs instead of



Rs.11.55 lakhs (35% of the offer price). Therefore, sought time of paying balance amount on or before 20.06.2017. Hence, it is the contention of the petitioner that earlier the bank has agreed to sell the property to the petitioner, due to covid intervention and some other circumstances, the petitioner could not pay the amount as earlier agreed. Now, the bank has gone of public auction which is scheduled on 17.12.2025, therefore, seeks for a direction to sell the property to the petitioner.

5. At the outset, this Court is of the view that very writ petition is not maintainable. The petitioner claims to be a lessee. Though the bank has extended the benefit to the petitioner for purchasing the property had directed the petitioner to pay 35% of the amount, i.e., Rs.11.55 lakhs in the first installment. The petitioner admittedly has not paid that amount in the year 2017 itself. The bank vide letter dated 12.06.2017 has clearly indicated that as nearly three months elapsed from the date of offer letter and the minimum amount is not yet received. Having failed to exercise such option, now the bank has issued sale notice under SARFAESI, Act, 2002 dated 10.11.2025 and the date of sale is fixed on 17.12.2025 and the e-auction is scheduled from 10 am to 4 pm. The sale notice indicate that the reserved price is fixed at Rs.36.18 lakhs and the EMD price is fixed at Rs.3.62 lakhs. This Court is of the view that it is for the petitioner to participate in the e-auction and try her chance, as a matter of right, merely because she is in possession of the property, she cannot seek a



WP.No.48550

direction to sell the property by the bank. It is well open for the petitioner to participate in the e-auction as per law.

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6. Accordingly, I do not find any merits in this writ petition and this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

11.12.2025

dhk

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes

To

1.The Chief Manager and Authorised Officer
Indian Bank
Saidapet Branch
Bali Towers, No.1, Abdul Razzack Street
Saidapet, Chennai – 600 015



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WP.No.48550 of 2025

N.SATHISH KUMAR, J.

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W.P.No.48550 of 2025

11.12.2025