



W.P.No.32244 of 2018

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2025

CORAM :

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

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.32244 of 2018

N.Sendamarai

.. Petitioner

Vs.

1. The Chief Manager/Authorised Officer
State Bank of India
Stressed Assessment Management Branch
1112, Raja Plaza Road
Coimbatore 641 037.
2. The Deputy General Manager
State Bank of India
Stressed Assessment Management Branch
1112, Raja Plaza Road
Coimbatore 641 037.
3. The District Collector
Coimbatore District, Coimbatore.



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4. The Tahsildar

Sulur Taluk, Sulur, Coimbatore District.

.. Respondents

[R3 & R4 impleaded vide order dated
03.12.2019 in WMP No.34076/19]

Prayer : Petition filed under Article 226 of the Constitution of India seeking of a writ of Mandamus directing the respondents to hand over the original parent documents and compensate the loss of the land measuring 1.00 acre or order refund of Rs.1,87,84,530/- with interest at the rate of 18% from the date of payment till realisation from the amount paid less the value for the extent sold in the eAuction sale conducted on 10.10.2017, 25.11.2017, 06.04.2018 and 29.08.2018.

For Petitioner : Ms.M.Adhisree
For Mr.N.Manokaran

For Respondents : Mr.Omprakash
Senior Counsel
For Mr.K.Chandrasekaran
for R1 & R2

Mr.A.Edwin Prabakar
State Government Pleader
Assisted by Mr.Habeeb Rahman
Government Advocate for R3 & R4



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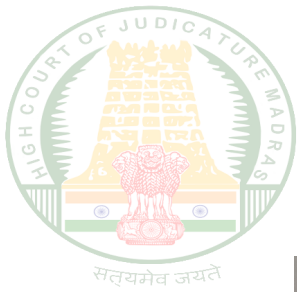
Mr.G.Govarthanan
Advocate Commissioner

ORDER

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

Further to the order dated 27.01.2025, petitioner and respondents 1 and 2 have filed a joint memo dated 28.01.2025 agreeing to refer the disputes regarding refund of proportionate sale price for the alleged short fall of land measuring 1 acre through arbitration. In the joint memo, the parties have requested that Mr.Justice N.Kirubakaran (Retd.), Former Judge of Madras High Court, be appointed as the sole Arbitrator.

2. Copy of the joint memo, for ease of reference, is scanned and reproduced below:



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W.P.No.32244 of 2018

**BEFORE THE HON'BLE HIGH COURT OF JUDICATURE AT MADRAS
W.P. NO. 32244 OF 2018**

N.Sendamarai

..... Petitioner

- Vs -

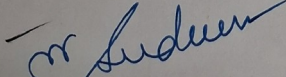
The Chief Manager/Authorised Officer,
State Bank of India & Anr.

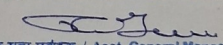
..... Respondents

**JOINT MEMO FILED BY THE PETITIONER AND THE RESPONDENTS
BY GIVING CONSENT FOR APPOINTMENT OF A SOLE ARBITRATOR**

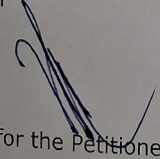
1. The petitioner and the respondents submit that the subject matter property was brought for sale under the SARFAESI Act 2002 by way of an e-Auction sale notice dated 07.11.2015. The petitioner took part in the e-Auction Sale held on 18.12.2015 and her bid amount of Rs. 6,80,00,000/- was accepted. The respondents issued a Sale Certificate, which was duly registered on 15.04.2016 (Doc. No. 7908/2016-SRO, Sulur). While so, the above writ petition has been filed by the petitioner for a Mandamus for handing over of title deeds and refund of proportionate sale price for the short fall in the land measuring 1 Acre.
2. The petitioner and the respondents submit that in view of the factual issues involved in the matter, the issues are to be resolved by adjudication based on evidence to be let in on either side. Therefore, both the parties hereby give consent to appoint the Hon'ble Mr. Justice N.Kirubakaran, Retd. Judge of the Hon'ble Madras High Court as a Sole Arbitrator to decide the disputes in line with the provisions of the Arbitration and Conciliation Act 1996. Accordingly, both the parties herein pray that this Hon'ble Court be pleased to refer the disputes arisen between the petitioner and respondents to arbitration and appoint the above-named Sole Arbitrator to resolve the issues in the above WP No. 32244 of 2018 and thus render justice.

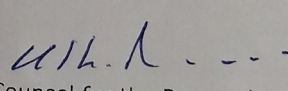
Dated at Coimbatore on this the 28th day of January, 2018


Petitioner


सहायक महा प्रबंधक / Asst. General Manager
एसएआरबी, कोयंबटूर / SARB, Coimbatore

Respondents


Counsel for the Petitioner


Counsel for the Respondents



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3. Accordingly, Mr.Justice N.Kirubakaran (Retd.) is appointed as sole Arbitrator to arbitrate on the issue of refund of proportionate sale price for the alleged short fall in the land measuring 1 acre.

4. The fees and administrative expenses together with typing charges, if any, shall be shared equally between the parties and will be subject to costs in the arbitral proceedings.

5. The writ petition is disposed of. All rights and contentions are kept open. There shall be no order as to costs.

6. At this stage, Advocate Commissioner Mr.G.Govarthanan states that he has filed a memo dated 17.10.2023 and copy has been provided to petitioner and respondents. He further states that for the second inspection, no fees has been paid. Shri. Govarthanan states that he spent three days in Coimbatore and what should be the fees he leaves it to the Court.



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7. Shri. Om Prakash states that the second inspection was made at the request of the bank. Therefore, we direct the bank to pay a sum of Rs.75,000/- (Rupees seventy five thousand only) as fees to Shri. Govarthanan. Shri. Govarthanan states he shall provide the bank details to advocate on record for the bank Shri. K.Chandrasekar.

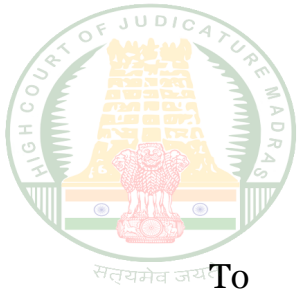
(K.R.SHRIRAM, CJ)

(SENTHILKUMAR RAMAMOORTHY,J.)

30.01.2025

Index : Yes/No
Neutral Citation : Yes/No

kpl



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To
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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY,J.

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