



WP(MD). No.4288 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 14/02/2025

CORAM

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

AND

THE HON'BLE MR. JUSTICE V.LAKSHMINARAYANAN

W.P.(MD). No.4288 of 2024

A.Banumathi

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Petitioner

-VS-

1 The Authorized Officer,
M/s.Repco Home Finance Ltd.,
No.24, Ram Arcade,
B-14, II Floor,
11th Cross, Main Road,
Thillai Nagar,
Trichy-620 008.

2 The Tahsildar,
Adidravidar Welfare,
Tiruchirappalli.

...

Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the 1st Respondent to refund the sale consideration amount and the registration and other incidental charges, totally a sum of Rs.5,51,824/- along with interest from 23.03.2009 till the date of realization, as ordered in similar case in W.P.(MD).No.22506 of 2022, dated 30.08.2023, by considering the petitioner's representation, dated 15.11.2023.



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For Petitioner : Ms.A.Niveditha

For Respondent 1 : No appearance

For Respondent 2 : Mr.M.Sarangan,
Addl. Govt. Pleader.

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

Petitioner, based on a notification for public auction, participated in the public auction held on 18.02.2008 under SARFAESI Act, by respondent No.1. Petitioner selected property at Plot Nos.5,6,7,8, and 9 to the extent of $3600 + 2870 = 6470$ sq.ft./601.08 sq.mts. in Survey No.288/1, 288/2 and 292 in Madha Nagar, Chozhamadevi Village, Thiruverumbur Panchayat, Tiruchiparalli. Petitioner was declared the successful bidder and the entire sale consideration has been paid by the petitioner. After making full payment, property was also registered in petitioner's name at Thiruverumbur Sub-Registrar's Office on 28.10.2009 as Document Nos.6341/2009 and 6342/2009.

2. Subsequently, petitioner came to know the subject property was already taken over in the year 1997 by the Department of Adi Dravidar and Tribal Welfare, as per the proceedings, dated 14.02.1997, of the District Collector, Tiruchirapalli.



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3. Petitioner states that repeated attempts to Bank/Respondent No.1 failed and hence this petition was filed.

4. It is petitioner's case that petitioner's sister was also similarly affected and, by an order, dated 30.08.2023, in W.P.(MD) No. 22506 of 2022, filed by her sister, this Court was pleased to direct respondent No.1 to refund the amount with interest to her sister. A copy of the order is annexed at page 47 to the petition. Relying on the order, petitioner made a representation, dated 15.11.2023, to which again there was no response.

5. On 26.02.2024, this Court was pleased to direct notice be issued to respondent No.1. Leave to serve private notice was also granted. There is an Office Report that notice was served on the Bank on 05th March, 2024. Petitioner has also filed an undated Affidavit of Service by one A.Niveditha, confirming service upon respondent No.1 on 17th April, 2024.

6. Counsel, appearing for petitioner, states that she is Niveditha and, therefore, we make an exception and accept this affidavit. Counsel also expressed her regret for not writing the date.



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7. Respondent No.1 is not present. It is absent, though served. Therefore, it is rather obvious that respondent No.1 is not interested in contesting the petition.

8. Writ Petition is, therefore, allowed. Respondent No.1 is directed to refund the sale consideration amount and registration and other incidental charges, totalling to Rs.5,51,824/-, together with interest thereon at 8% per annum from 23.03.2009, the date on which the entire sale consideration was paid, till payment/realisation. If this amount is not paid within two weeks of receiving a copy of this order, respondent No.1 shall be liable to pay additional interest of 2% from the date the two weeks' period expires.

9. If this amount is not paid, petitioner may also execute this order as decree against respondent No.1 and drawn up decree shall stand dispensed with.

10. No costs.

(K.R.SHRIRAM, C.J.) (V.LAKSHMINARAYANAN, J.)

14.02.2025

NCC : Yes/No
Index : Yes/No
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**THE HON'BLE CHIEF JUSTICE
AND
V.LAKSHMINARAYANAN, J.**

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