



W.P.(MD) No.8640 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2025

CORAM:

**THE HONOURABLE MR.K.R.SHRIRAM, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE P.B.BALAJI**

W.P.(MD) No.8640 of 2024

Vikram

... Petitioner

-VS-

1.The Authorized Officer /
The Chief Manager
Bank of India
Assessment Recovery Branch, 3rd Floor
Star House, No.24, Oppanakara Street
Coimbatore

2.The Branch Manager
Milakarani Branch
Bank of India
Tamilnadu Food grains Market Yard Ltd.,
Sikkandarchavadi, Alanganallur Road
Madurai-625 017

3.The District Collector
Madurai District
Respondents

...

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a



W.P.(MD) No.8640 of 2024

WEB COPY

writ of mandamus directing the respondents to initiate action under Section 14 of the Sterilization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 to take physical vacant possession of the property bearing Door No.2/233-1 and situated at Old S.No.146/11 & 146/11A, new S.No. 147/18, Pallapatti Village, Nilakottai Taluk, Dindigul District and to hand over the same to the petitioner.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.M.Senthil Kumar
Standing Counsel for R1 & R2
Mr.SRA.Ramachandran
Additional Government Pleader for R3

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

On 07th April, 2025, the following order was passed:

“Respondent No.2 is directed to file an affidavit by 03.00 pm., tomorrow (08.04.2025) explaining as to why since July 2023, no action has been taken to take possession of the mortgaged property sold to petitioner and hand over the same to petitioner.

2. Counsel for respondent/bank, on instructions from Ms.S.Sheeba, stated that immediate action will be initiated to file



W.P.(MD) No.8640 of 2024

WEB COPY

application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, so that possession can be given to petitioner.

3. We also find it unfortunate that petitioner had paid Rs. 30,48,000/- for the property way back in July 2023 and had to approach this Court for a writ of mandamus to direct the bank to take steps to hand over possession. It is the petitioner's case that despite contacting the concerned persons, no steps have been taken. Counsel for petitioner stated that petitioner had to borrow money to pay for this property and service that loan, but is not enjoying the property.

4. When we asked counsel for bank as to how much rate of interest bank will pay to petitioner from the date petitioner paid entire sale proceeds, counsel wanted to take instructions.

5. Copy of this order be forwarded to the Managing Director, Bank of India, MG Road, Fort, Mumbai – 23 for his information and necessary action.

6. Stand over to 09.04.2025 “first on Board”.

2. Pursuant thereto, one Shilpa.K.V., the Chief Manager-cum-Authorized Officer of Bank of India, has filed an affidavit affirmed on 08th April, 2025. In



W.P.(MD) No.8640 of 2024

the affidavit, the blame is put on the Recovery Agent and the advocate, but the affiant is totally silent as to what she or her officers did to promptly follow up regarding the application to be filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

3. Admittedly, the sale certificate was registered on 12th July, 2023 and as per the affidavit, application under Section 14 of the said Act has been e-filed on 07th April, 2025. It is obvious that it is only after the petition was filed and after the last order was passed. In fact, e-file case has been finally submitted on 08th April, 2025 and not even on 07th April, 2025. It is obvious that petitioner has been driven to this Court due to the inaction on the part of the bank. Counsel for petitioner is justified in seeking interest on the amount paid and costs.

4. As regards interest, on 07th April, 2025, we had recorded the statement of bank's counsel that he wanted to seek instructions. Today, counsel says that he has no instructions to agree and the court may pass order as it deems fit. Therefore, in our view, this is a fit case where the bank shall pay interest at the rate of 12% per annum on the amount of Rs.30,48,000/- paid for the property



W.P.(MD) No.8640 of 2024

WEB COPY

from 13th July, 2023 until physical possession of the property is handed over to petitioner. Interest up to 31st March, 2025 shall be paid within two weeks from today. Along with payment, a statement showing how the figure has been arrived at shall be given to petitioner. If petitioner does not want any Tax Deducted at Source (TDS) to be deducted, he would, within one week from today, give a duly filled Form-15H or any other.

5. Shri M.Senthil Kumar states that he will inform petitioner's advocate today itself what is the Form that has to be filed and also forward a soft copy thereof to petitioner's advocate, so that petitioner can immediately take a print out, sign and submit. In Form-15H, reference of this order be given wherever account details are required to be furnished.

6. For the period after 31st March, 2025, interest shall be paid quarterly and this shall continue until possession is handed over.

7. As regards costs, bank shall pay a sum of Rs.50,000/- (Rupees fifty thousand only) as costs and this amount shall also be paid to petitioner within two weeks from today.



W.P.(MD) No.8640 of 2024

WEB COPY

Petition is disposed accordingly.

[K.R.SHRIRAM., C.J.]

[P.B.BALAJI, J.]

09.04.2025

NCC : Yes / No
Index : Yes / No

krk

To:
The District Collector,
Madurai District.



WEB COPY



W.P.(MD) No.8640 of 2024

THE HON'BLE CHIEF JUSTICE
and
P.B.BALAJI, J.

krk

W.P.(MD) No.8640 of 2024

09.04.2025