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W.P.(MD) No.10918 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD) No.10918 of 2025

V.T.Rajendran

... Petitioner

-vs-

1.The Branch Manager
State Bank of India
Marthandam Branch
Marthandam Post-629 165
Kanyakumari District

2.The State Bank of India
Zonal Office
rep.by its Chief General Manager
Rajaji Road
Chennai-600 001

3.The Regional Manager /
Chief Manager
State Bank of India
Madhuram Complex
Madurai

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to refund Rs.59,21,500/- (auction amount Rs.55,34,000 + Sale Certificate Registration Charge Rs.3,87,500) along with interest at the rate of 12% per annum from 28.01.2014 till the date of refund of the amount within a period that may be fixed by this Court.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.V.P.Rajan for R1
R2 – Not ready in notice
R3 – No appearance

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The relief sought for in this writ petition is to direct the respondents to refund Rs.59,21,500/- (auction amount Rs.55,34,000 + Sale Certificate Registration Charge Rs.3,87,500) along with interest at the rate of 12% per annum from 28.01.2014 till the date of refund of the amount within a stipulated period.



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2. Admittedly, proceedings were initiated under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short, “SARFAESI Act”). The borrower committed default in repayment of the loan amount and therefore, actions were initiated for recovery of the loan amount.

3. Learned counsel for the petitioner would submit that a direction was issued to the respondents by the Debts Recovery Tribunal to refund the amount, since the petitioner herein is the purchaser of the mortgaged property through e-auction conducted by the authorized officer under the SARFAESI Act and its Rules.

4. However, writ jurisdiction of the High Court cannot be converted for the purpose of execution of the orders passed by the Tribunal, since procedures are already made available to the petitioner to redress his grievance.



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5. With the above observation, this writ petition is dismissed. No costs.

[S.M.S., J.]

[A.D.M.C., J.]

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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