IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-02-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

WP No. 43572 of 2025

S.Haseena Parveen
D/o.Sheik Abdul Rahim, No.20, Big Mosque Street,
Ellis Road, Anna Salai, Chennai-02.

..Petitioner

Vs

1. The Authorized Officer
LIC Housing Finance Limited, Harrington Chamber,
Block-c,Np.30/1a, Abdul Razack 1st Street,
Saidapet, Chennai-15.

2. D.R. Premchander
S/o. D.S.Rajan, No.G4, Rams Apartments,
Bharathiyar 5th Street, Ss Colony,
Madurai-625 010.

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India directing the 1st respondent to refund the sale consideration a sum of Rs.42,25,000(rupees forty two lakhs and twenty five thousand only) together with simple interest at 6 percentage per annum to the petitioner herein and also stamp duty of a sum of Rs.2,80,544(rupees two lakhs eight thousand and five hundred forty four only) and further sum of Rs.11,666 (Rupees eleven thousand six hundred sixty six only) towards registration charges together with simple interest at 6 percentage from the date of payment made by the petitioner, till the date of realization in compliance to the order dated 09.09.2025 in RA(SA)No.18 of 2017 passed by the Learned DRAT within a time frame as fixed by this Court.

For Petitioner : Mr.R.Abdul Mubeen

For Respondents : Mr.R.Imayavaramban – for R1
Notice dispensed with – for R2

Order
(Order of the Court was made by R.Suresh Kumar J.)

The prayer sought for in this writ petition is for a direction to the 1st respondent to refund the sale consideration a sum of Rs.42,25,000(rupees forty two lakhs and twenty five thousand only) together with simple interest at 6% per annum to the petitioner herein and also stamp duty of a sum of Rs.2,80,544 (Rupees Two Lakhs Eight Thousand and Five Hundred Forty Four only) and further sum of Rs.11,666 (Rupees Eleven Thousand Six hundred Sixty Six only) towards registration charges together with simple interest at 6% per annum from the date of payment made by the petitioner, till the date of realisation in compliance to the order dated 09.09.2025 in RA(SA)No.18 of 2017 passed by the Learned DRAT within a time frame as fixed by this Court.

2. Though the present writ petitioner has become the successful purchaser of the property sold under auction by the first respondent, subsequently the sale was set aside by the order passed by the Debts Recovery Appellate Tribunal (In short 'DRAT') in R.A.(SA) No.18 of 2017 dated 09.09.2025. While setting aside the sale,

the DRAT has given a set of directions, whereby the entire sale consideration which was paid by the petitioner to the tune of Rs.42,25,000/- has to be returned back to the petitioner with 6% interest per annum and also the stamp duty and registration charges which also would carry an interest of 6% per annum.

3. Pursuant to the DRAT's order dated 09.09.2025, the entire sale consideration payable to the petitioner being the auction purchaser has been paid, however the stamp duty and registration charges as directed by the DRAT has not been paid and also the 6% interest on both the amounts have also not been paid. In order to get those amounts, the present writ petition has been filed by the auction purchaser.

4. It is to be noted that, in the meanwhile as against the very same impugned order passed by the DRAT, the first respondent / secured creditor has filed a writ petition in W.P.No.50071 of 2025, where, the stand taken by the secured creditor who was the writ petitioner in the said writ petition was that, he was aggrieved only against the direction issued by the DRAT with regard to the 6% interest and not against other directions.

5. The said writ petition was disposed of by us by order dated 06.01.2026, confirming the order passed by the DRAT in toto, which includes the direction to pay 6% interest.

6. Therefore, the order passed by the DRAT which is impugned herein also has become final and the present direction sought for in the instant writ petition by the auction purchaser / writ petitioner to pay back the stamp duty, registration charges as well as interest of 6% on the sale amount as well as the stamp duty and the registration charges which are liable to be paid by the secured creditor. Therefore, the direction issued in this regard by the DRAT in its order dated 09.09.2025 should be fully complied with by them.

7. In fact, in our order dated 06.01.2026 made in W.P.No.50071 of 2025, we directed the secured creditor to comply with the order passed by the DRAT dated 09.09.2025 within a period of four weeks from the date of receipt of a copy of the order. Therefore, it is the obligation on the part of the secured creditor to pay the said amount of interest as well as registration charges received from the petitioner.

8. On 16.12.2025, the First Division Bench of this Court, by way of an interim order directed the first respondent bank to pay the entire sale consideration of Rs.42,25,000/- paid by the petitioner and that has been paid, as stated by Mr.Abdul Mubeen, learned counsel for the petitioner herein. That apart, now the learned counsel for the petitioner has filed a calculation memo, wherein the following calculations have been given towards the amounts to be paid by the first respondent / secured creditor.

Particulars	**Paid by the petitioner**	**Payment date**	**Amount due from the 1st respondent (In Rs.)**
Auction Sale amount*	42,25,000*	06.01.2014	
Interest due on auction sale amount at 6% p.a. from 06.01.2014 till date of refund 30.01.2026			30,58,933.80
Initial Registration Charges		02.04.2014	2,80,544.00
Interest due calculated at the rate of 6% p.a. from 02.04.2014 till 16.02.2026.			1,99,842.14
Deficit Registration Charges		10.12.2014	1,460.00
Interest due calculated at the rate of 6% p.a from 10.12.2014 till 16.02.2026			978.20
Initial Stamp Duty		02.04.2014	40,895.00
Interest due calculated at the rate of 6% p.a from 02.04.2014 till 16.02.2026			70,006.25
Deficit Stamp duty		10.12.2014	10,206.00
Interest due calculated at the rate of 6% p.a. from 10.12.2014 till 16.02.2026			6,848.25
Total Amount due from the 1st respondent / secured creditor			**36,69,713.64**

* Refunded by the first respondent to the petitioner via DD No.282408 dated 30.01.2026.

9. Accordingly, the total amount to be paid by the first respondent / secured creditor as on 16.02.2026 comes to **Rs.36,69,713.64/-**. A copy of the calculation memo has been served on the learned counsel for the first respondent and he would submit that, the amounts would be verified by the first respondent and thereafter,

whatever money payable to the petitioner would be calculated and be paid to the petitioner within the time frame that may be stipulated by this Court.

10. Considering all these aspects and taking into account, the claim made by both sides, we are inclined to dispose of this writ petition with the following orders.

a) The registration charges, deficit registration charges, stamp duty, additional stamp duty and 6% interest on the above said charges, shall be calculated and after verifying the calculation memo filed in this regard as indicated above, shall be paid by the first respondent / secured creditor to the writ petitioner within a period of two weeks from the date of receipt of a copy of this order.

b) On such payment being made, the writ petitioner shall immediately hand over the physical possession of the property in question to the first respondent / secured creditor without any further delay.

11. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) **(S.S.A.,J.)**
16-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
KST
Note : Issue order copy on 18.02.2026

To

The Authorized Officer
Lic Housing Finance Limited, Harrington Chamber,
Block-C,No.30/1A, Abdul Razack 1st Street,
Saidapet, Chennai-15.

R.SURESH KUMAR J.
AND
SHAMIM AHMED J.

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