

WP.Nos.23494 & 8465 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2026

CORAM

THE HON'BLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

WP.Nos.23494 & 8465 of 2026

W.P.No.23494 of 2026

R.Yuvaraj
S/o. Radhakrishnan, No.6, Main Road, Anna
Nagar, Nellithope, Pondicherry-605 005

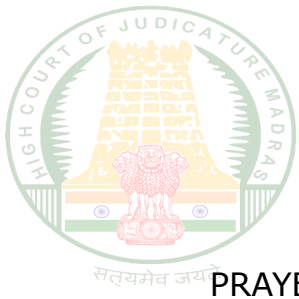
Petitioner(s)

Vs

1.State Bank of India,
Represented by its Manager,
Stressed Assets Recovery Branch (SARB),
Red Cross Building, II Floor, No.32,
Montieth Road, Egmore,
Chennai-600 008.

2.The Recovery Officer
Debt Recovery Tribunal-II
6th Floor, Additional Office Building
Shastri Bhavan, Haddows Road
Nungambakkam, Chennai 600 006.

Respondent(s)



WP.Nos.23494 & 8465 of 2026

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondent to refund the entire total sale consideration of Rs.2,52,43,620/- (Rupees Two Crores Fifty Two Lakhs Forty Three Thousand Six Hundred and Twenty only), paid towards the Schedule B, C and G properties along with of Rs.66,000/- (Rupees Sixty Six Thousand Only) paid to the Advocate Commissioners, together with interest at the rate of 24% per annum from the respective dates of deposit till the date of realization.

For Petitioner(s): Mr.R.Rajarajan

For Respondent(s): Mr.M.L.Ganesh for R1

R2 - Tribunal

W.P.No.8465 of 2026

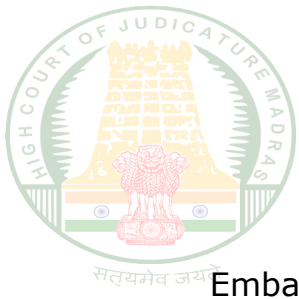
State Bank of India,
Stressed Asset Recovery Branch,
Red Cross Building, Montieth Road,
Egmore, Chennai-8
Rep. by its Chief Manager

Petitioner(s)

Vs

1.The Tahsildar,
Revenue Department,
Bahour, Puducherry 605 101.

2.M/s.Devamangala Devi Modern Rice Mill,
R.S.No.240/5, No.10, Kambalikarankuppam,



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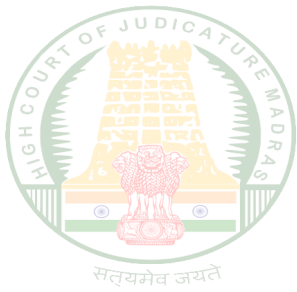
Embalam, Nettapakkam Commune,
Bahour, Puducherry 605 106.

Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, direction to the 1st respondent to issue proper direction to the concerned surveyor to conduct physical measurement of the mortgaged properties by metes and bounds in terms of TRC No.99 of 2022 issued by DRT-II, Chennai (DRC No.18 of 2021, DRT-I Chennai) dated 07.01.2021 with respect to land situated at Embalam Village, Nettapakkam Commune Panchayat, Pondicherry comprised in Re-Survey No.240/4 Cad Nos.966/1, 966/2 Part Patta No.717 having an extent of 14 Ares 93 Centiares or 27 Kuzhies 15 Veesams and also in terms of representation dated 25.11.2025 sent by the petitioner bank.

For Petitioner(s): Mr.M.L.Ganesh

For Respondent(s): Mr.V.Vasantha Kumar
Additional Government Pleader
(Pondy) for R1
Mr.L.Sriram
for M/s.Chennai Law Firm for R2



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COMMON ORDER

(Made by G.ARUL MURUGAN, J.)

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W.P.No.23494 of 2026 has been filed by the auction purchaser seeking a direction to the first respondent/Bank to refund the entire sale consideration of Rs.2,52,43,620/- paid towards the purchase of Schedule-B, Schedule-C and Schedule-G properties.

2. W.P.No.8465 of 2026 is filed by the Bank/secured creditor seeking a direction to direct the first respondent/Tahsildar to depute a Surveyor to conduct physical measurement demarcation by metes and bounds of the mortgaged properties covered under TRC No.99 of 2022 issued by DRT-II, Chennai (DRC No.18 of 2021, DRT-I Chennai) dated 07.01.2021.

3. Learned counsel for the auction purchaser submitted that though the petitioner had successfully participated in the auction conducted by the Recovery Officer, the possession of the properties has not been handed over. In such circumstances, the auction amount paid by him is liable to be refunded and therefore, he has approached



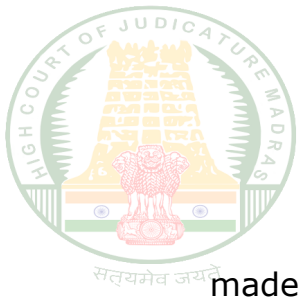
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this Court with the writ petition seeking refund of the entire amount paid by him.

4. Learned counsel appearing for the Bank submitted that the auction purchaser had purchased three items of properties. Out of which, one property pertaining to land and factory has already been handed over to the auction purchaser. In respect of other two properties, which are agricultural lands, since the survey has not been conducted, physical possession is yet to be handed over to the auction purchaser. The auction was conducted by the Recovery Officer in execution of the TRC.No.99 of 2022 issued by the DRT-II and, therefore, any grievance of the auction purchaser has to be agitated only before the Recovery Officer. He further submitted that if the first respondent/Tahsildar, cooperates and deposes a Surveyor as sought in the writ petition filed by the Bank and the physical demarcation is completed, the entire issue would stand resolved.

5. The learned Government Pleader appearing for the first respondent/Tahsildar in W.P.No.8465 of 2026, by relying on the written instructions, submitted that pursuant to the representations already



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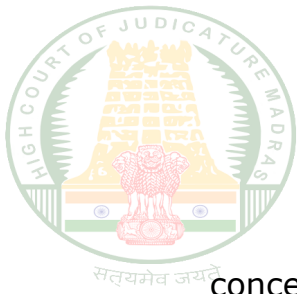
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made, the Tahsildar had instructed the Deputy Surveyor to cooperate with the Advocate Commissioner appointed by the Recovery Officer for conducting inspection and completing the survey process. However, it is stated that the Bank had not come forward with a submission of the required documents to enable them to conduct survey and, therefore, the survey process could not be completed.

6. Heard the rival submissions and considered the materials available on record.

7. The second respondent/borrower in W.P.No.8465 of 2026 had availed financial facilities from the Bank. Upon default, the Bank had filed O.A.No.169 of 2018 before the DRT-I, Chennai, where a decree came to be passed and based on which, recovery proceedings were initiated in TRC.No.99 of 2022 on the file of the DRT-II, Chennai.

8. During the recovery proceedings, the Recovery Officer, DRT-II, conducted auction of various items of the properties, in which the petitioner/auction purchaser has purchased Schedule-B, Schedule-C and Schedule-G of the properties. Insofar as the Schedule-C is



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concerned, the sale has been confirmed and the sale certificate was also registered in favour of the auction purchaser on 14.07.2025. In respect of the property in Schedule-G, on payment of entire sale consideration, the sale certificate was registered in favour of the auction purchaser on 15.07.2025.

9. Insofar as the property in Schedule-B is concerned, on payment of entire sale consideration, the sale certificate was issued in favour of the auction purchaser on 17.10.2025. As regards the properties covered under Schedule-B is concerned, it is not in dispute that those are the land and factory. Pursuant to the confirmation of sale, the Recovery Officer and the Bank have handed over the physical possession of the Schedule-B property in favour of the auction purchaser.

10. It is only in respect of the agricultural lands covered under Schedule-C and Schedule-G, physical possession could not be handed over owing to the absence of proper survey and demarcation of the properties. Pursuant to an application filed by the auction purchaser before the Recovery Officer, an Advocate Commissioner was appointed



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to conduct a survey of the properties with the assistance of the Surveyor. However, since the said exercise could not be materialised, the Advocate Commissioner has surrendered the warrant and the proceedings are yet to be finalised.

11. From the records produced before this Court, particularly statement furnished by the Tahsildar, it is evident that though a Deputy Surveyor has been deputed for completing the survey process in coordination with the Advocate Commissioner, the Bank had not furnished the necessary records required for completion of the survey process.

12. In such circumstances, we are of the considered opinion that if a specific date is fixed for conducting survey, and the Bank deposes an officer along with all the relevant records, while the Tahsildar also deposes a Deputy Surveyor or Surveyor on the same date, the entire survey process can be completed based on which, the issues could be resolved.

13. Insofar as the claim made by the auction purchaser seeking



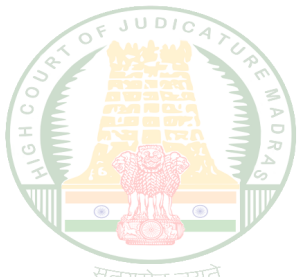
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refund of the entire sale consideration is concerned, such relief claimed by him would not arise for the simple reason that sale certificate in respect of Schedule-B has already been issued and also possession has been handed over. Even in respect of other two properties, sale certificates have already been registered in favour of the auction purchaser, however, possession has to be given.

14. As such with regard to the properties in Schedule-C and Schedule-G are concerned, if the auction purchaser has any grievance, it is always open to him to approach the Recovery Officer, before whom the recovery proceedings are still pending. Accordingly, the Writ Petition in W.P.No.23494 of 2026 seeking refund of consideration paid for all three properties stands dismissed.

15. The Writ Petition in W.P.No.8465 of 2026 is disposed of with a direction to the first respondent/Tahsildar, Revenue Department, Bahour, Puducherry to depute a Deputy Surveyor or Surveyor on a date to be fixed after prior intimation to the petitioner/secured creditor Bank. On the said date, the Bank shall also depute a concerned officer along with the relevant records, who would undertake the entire



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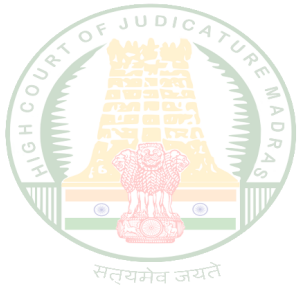
survey process and after completing the survey, a report shall be furnished by the person entrusted with the survey to the Bank, which in turn will be submitted to the Recovery Officer.

16. It is made clear that if the auction purchaser also intends, he shall also be permitted to participate in the survey proceedings. The said exercise shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI, CJ.) (G.ARUL MURUGAN, J.)
31.07.2026

Index : Yes/No
Neutral Citation : Yes/No

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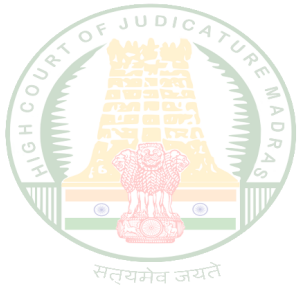
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