



WEB COPY



WP No.11787 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2025

CORAM

THE HON'BLE MR.MANINDRA MOHAN SHRIVASTAVA,

CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

WP No.11787 of 2025

1.S.Natesamoorthy

2.R.Mahalakshmi

: Petitioners

versus

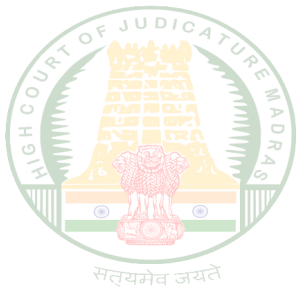
The Union Bank of India,  
by its Authorised Officer,  
Asset Recovery Branch,  
No.9, Elcanso Complex,  
Casa Major Road,  
Chennai 600 008

: Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent Bank to issue Sale Certificate in favour of the 2nd petitioner herein, after receiving the balance Sale consideration, and to register the same in the name of the 2nd petitioner.

For Petitioners : Mr.Dinesh Kumar,  
for Mr.B.Divakaran

For Respondent : Mrs.K.R.Ananda Gomathy



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**ORDER**

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

Petition has been filed by the petitioners seeking a direction to the respondent for the issuance of sale certificate in favour of the second petitioner.

2. Learned counsel for the respondent bank would submit that the terms and conditions, as stated in the sale notice, clearly informed the auction purchaser that sale certificate would be issued only in the name of the auction purchaser. It is also submitted that the applicable guidelines and rules issued by the Reserve Bank of India do not allow the bank to issue sale certificate in the name of any person other than the auction purchaser.

3. We find that the first petitioner acted as an agent of the second petitioner to facilitate participation in the auction proceedings towards sale of mortgaged assets in the matter of realisation of loan from the borrower. Moreover, we find that though 25% of the bid



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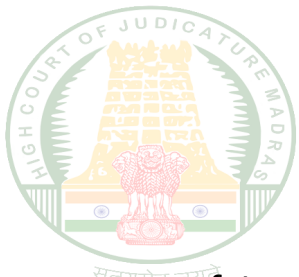
amount was paid by the first petitioner, learned counsel appearing for both the parties submit that the balance 75% of the amount was actually paid by the second petitioner.

4. Both the petitioners are present in person in the Court.

5. What is revealed is that the first petitioner provided a kind of service to the second petitioner, who is a small vegetable vendor, and entered into the process of auction to have a small dwelling house.

6. Taking into consideration the extraordinary circumstances as stated before us, we are inclined to direct the respondent bank to issue sale certificate in the name of the second petitioner – R.Mahalakshmi. The first petitioner shall have no claim whatsoever in respect of the property.

7. Before parting with the case, we cannot resist observing that the first petitioner should not have participated in the process of auction, without a power of attorney in his favour. Be that as it may, we hope that the first petitioner shall not repeat such conduct in



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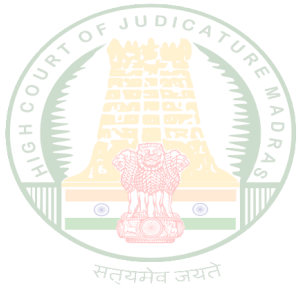
future.  
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8. The petition stands allowed in the manner and extent as stated. There will be no order as to costs.

9. WMP No.13347 of 2025 filed to permit the petitioners to file a single writ petition is allowed and disposed of.

(MANINDRA MOHAN SHRIVASTAVA, CJ.) (SUNDER MOHAN, J.)  
08.08.2025

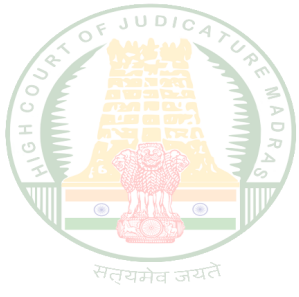
Index : Yes/No  
Neutral Citation : Yes/No  
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THE HON'BLE CHIEF JUSTICE  
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