

IN THE DEBTS RECOVERY APPELLATE TRIBUNAL AT CHENNAI

Dated the 02nd of April, 2026

PRESENT: Hon'ble Mr. Justice G. Chandrasekharan
CHAIRPERSON

M.A:35/2024

(OA 11/2008 on the file of DRT, Madurai)

BETWEEN

State Bank of India,
Represented by its Chief Manager/Authorised Officer,
Stressed Asset Management Branch,
No.1112, Raja Plaza, 1st Floor,
Avinashi Road, Coimbatore-641 037.

.....Appellant

AND

(1) M/s Rukmini Mills,
Represented by its Directors,
Silaiman, Madurai – 625 201.

(2) S. Balasubramanian,
S/o. Shanmugham,
No.8/22, V.P. Rathnasamy Nadar Road,
Madurai – 625 201.

(3) S. Kumarappan,
S/o. Shanmugham,
No.8/22, V.P. Rathnasamy Nadar Road,
Madurai – 625 201.

(4) M/s. Associated Trading Corporation Pvt. Ltd.,
Represented by its Directors,
C/o. Rukmini Mills Ltd., Silaiman,
Madurai – 625 201.

(5) S. Valliappan,
S/o. Shanmugham,
No.8/22, V.P. Rathnasamy Nadar Road,
Madurai – 625 201.

(6) S. Palaniappan,
S/o. Shanmugham,
No.8/22, V.P. Rathnasamy Nadar Road,
Madurai – 625 201.

(7) S. Thiagarajan,
S/o. Shanmugham,
No.5, Aster Apartments, Seethamma Colony,
Alwarpet, Chennai – 600 018.

(8) Industrial Investment Bank of India Ltd.,
Southern Zonal Office, Spencer Plaza,
No. 769, Anna Salai,
Chennai – 600 002.

(9) The Cotton Corporation of India Ltd.,
Air India Building, 12th floor,
Nariman Point,
Mumbai – 400 021.

(10) A.R. Sridharan,
S/o. A. Rajagopala Pillai,
No. 12, Karuneeagar Street,
Adambakkam,
Chennai.

(11) A.R. Kannan,
S/o. A. Rajagopala Pillai,
No. 12, Karuneeagar Street,
Adambakkam,
Chennai.

....Respondents

Counsel for Appellant : Mr. N. Ramesh
Counsel for R10 : M/s.C Uma Shankar

ORDER

1. This Appeal is filed against the order passed in IA 1789/2023 in OA No. 11/2008 by Learned Presiding Officer, DRT, Madurai.

1.1 OA 11/2008 had been filed by the Appellant Bank for recovery of the amounts due from the Defendants 1 to 7. During the pendency of the said OA, the Appellant filed IA 1789/2023 seeking return of documents, more particularly, the title documents relating to the land bearing Paimash No.722/4, admeasuring 1.80 acres. Placing reliance on the order passed by Hon'ble Supreme Court of India in Civil Appeal No. 2373/2020 dated 24.04.2020 and Miscellaneous Application No. 1350/2022, Learned Presiding Officer dismissed the Application on the ground that the documents cannot be released until a final decision is taken in OA 11/2008. The reason is that there is serious dispute with regard to the title documents concerning the land bearing

Paimash No.722/4, admeasuring 1.80 acres. Aggrieved by the said order, the Appellant filed this Appeal.

1.2 Though Mr. C. Uma Shankar, Learned Advocate filed Vakalat on behalf of R10, he has not appeared and advanced any arguments in the case.

1.3 IA 407/2026 filed by the Appellant to receive additional documents is allowed.

2. Learned Counsel for Appellant submitted that the land in question bearing Paimash No.722/4, admeasuring 1.80 acres, was a secured asset in respect of the loan availed by the borrowers in the Original Application filed, and the said property is shown in the Schedule thereto. Therefore, the original documents were filed before the DRT. It is further submitted that the Bank had simultaneously initiated proceedings under SARFAESI Act, 2002, against the borrowers/guarantors for recovery of loan dues. The aforesaid property i.e., the land bearing Paimash No.722/4,

admeasuring 1.80 acres was sold in favour of M/s. Tripower Enterprises Limited, being the successful bidder, for a sum of Rs.66 Crores, on 09.02.2017 and on receipt of sale consideration, the Sale Certificate was issued on 29.04.2017. The sale in question has not been challenged before any court of law and has reached finality. In the said background, the Application has been filed seeking return of the original title documents in respect of the property sold.

3. Learned Counsel for Appellant brought to my notice the order passed by the Hon'ble Supreme Court of India in Civil Appeal No. 2373/2020 dated 24.04.2020, whereby the Hon'ble Supreme Court of India modified the order passed by the DRAT to the effect that the Application filed by the Bank in IA 995/2017 in OA 11/2008 was partly allowed, by ordering return of the original documents, except in respect of the land bearing Paimash No.722/4, admeasuring 1.80 acres. The reason for passing this order is that Respondent No.10, A.R. Sridharan filed a Suit on the file of District Munsif, Chengalpattu in OS No. 186/1976 in respect of the

said land and had obtained a decree in his favour, and that was upheld upto Hon'ble Supreme Court of India.

4. However, Learned Counsel for Appellant brought to my notice the order passed by Hon'ble Supreme Court of India in Miscellaneous Application No.1350/2022 in Civil Appeal No. 2373/2020 dated 15.12.2022 clarifying the order passed in Civil Appeal No. 2373/2020. By the said order, the Hon'ble Supreme Court of India, taking note of the fact that, after passing the decree in favour of A.R. Sridharan on 16.02.1990, the Patta in his favour was cancelled on 11.02.1991, which is the subject matter of adjudication before the Special Commissioner and Commissioner of Land Administration, thus, directed the Special Commissioner and Commissioner of Land Administration, to examine the *inter se* rights of the parties independently on its own merits, taking note of the fact that the Patta initially issued in favour of A. R. Sridharan on 16.06.1988, was cancelled by the competent authority on 11.02.1991.

5. The order of Hon'ble High Court of Madras in WP No. 32535/2019, 3678 and 4148/2021, 488 and 7447/2022 dated 09.09.2022 is produced to show that as per the order passed in these Writ Petitions, Special Commissioner and Commissioner of Land Administration was directed to conduct an enquiry by giving opportunity to the parties concerned and pass orders with regard to the disputed land.

6. It is further submitted that, in accordance with the order passed by Hon'ble High Court in the aforesaid Writ Petitions, the Commissioner of Land Administration, Chennai conducted an enquiry and passed an order in ROC No. K2/1284064/2021 dated 14.02.2023. In the said order, the Commissioner traced the dispute from its earlier history in respect of Adambakkam Village, enquiring various transactions relating to issuance of Patta, and the judicial proceedings, and then he finally concluded that, the claim of A.R. Sridharan is not justifiable and appears to be based on fraudulent documents. In so far as the claim of M/s. Tripower Enterprises Private Limited, it was found that there

are defects in title, especially, the sale certificate issued in favour of M/s. Tripower Enterprises Private Limited is not registered. Thus, he classified deputed land in TS No.3 and 138 of Block No.1, Ward No. E, situate at Adambakkam village, Alandur Taluk, Chennai District, as “Anadheenam”.

7. Against this order, M/s. Tripower Enterprises Private Limited, A. R. Sridharan, VAK Engineering Pvt. Ltd., filed Writ Petitions in WP No. 7735/2023, WP No. 11186/2023 and WP No. 11408/2023 respectively. By a common order, the Hon’ble High Court of Madras, the Writ Petition filed by A.R. Sridharan in WP No. 11186/2023 was dismissed and the Writ Petitions filed by M/s. Tripower Enterprises Private Limited and M/s. V.A.K. Engineering Private Limited in WP No. 7735/2023 and WP No.11408/2023 respectively stood allowed. It was observed that as per the decision of Hon’ble Supreme Court of India in **Shakeena Vs. Bank of India and Ors.**, reported in *AIRONLINE 2019 SC 2414*, a sale certificate issued under Rule 9(7) of SIE Rules is a complete and absolute sale for the purpose of SARFAESI Act and it need

not be registered under the provisions of the Registration Act. It is enough if it is shown in the books under Section 89 of the Registration Act, 1908. Thus, sale in favour of M/s. Tripower Enterprises Private Limited was upheld.

8. From the additional documents filed by the Appellant, it is seen that the SLP (Civil) Diary No(s) 21281 /2023 filed before Hon'ble Supreme Court of India against the order passed in WP No. 7735/2023 in favour of M/s Tripower Enterprises Private Limited came to be dismissed as withdrawn on 01.04.2024. The Review Application filed against the order passed in the Writ Petition in Review Application Nos. 282 to 288 and 302/2025 were also dismissed by Hon'ble High Court of Madras. Thus, it is clear from the series of orders passed by Hon'ble Supreme Court of India and Hon'ble High Court of Madras, particularly, the order in WP No. 7735/2023, that the sale held in favour of M/s. Tripower Enterprises Private Limited is confirmed. The order of Commissioner of Land Administration established the fact that the claim of A. R. Sridharan in respect of this

property is based on the fraudulent document, and therefore, is not justifiable. Therefore, the Respondent A. R. Sridharan cannot object to the return of title documents in respect of the land bearing Paimash No.722/4, admeasuring 1.80 acres.

9. This Tribunal also finds that the subject property had already been sold in the proceedings under the SARFAESI Act, 2002. When the property is sold under SARFAESI Act, there is no possibility of recovery made on the basis of this property. The Original Application, if allowed, the recovery has to be made only from the other properties, if any, of the Defendants or holding them personally liable. After the sale of this property in SARFAESI proceedings, there is no need to keep this property in the Schedule to the Original Application.

10. It is informed that there is no appeal filed against the sale of the property under SARFAESI proceedings. The sale has also become final. In the said circumstances, this

Tribunal finds that there is no reason to withhold the title documents in respect of the property concerned in land bearing Paimash No.722/4, admeasuring 1.80 acres.

11. In this view of the matter, the order passed on 07.12.2023 by the Learned Presiding Officer, DRT, Madurai, in IA 1789/2023 is set aside. Learned Presiding Officer, DRT, Madurai is directed to return the title documents in respect of land bearing Paimash No.722/4, admeasuring 1.80 acres, after obtaining proper acknowledgement from the Appellant.

12. In the result, the Appeal in M.A:35/2024 is allowed. No order as to costs. All pending IAs, if any, stand closed.

[Dictated to Athistamani, PS, transcribed by her, corrected and signed by me this 02nd of April, 2026]

[Justice G. Chandrasekharan]
CHAIRPERSON