



W.P.(MD)No.22247 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.22247 of 2021

Jayaseelan

... Petitioner

Vs.

1.The Regional Manager,
State Bank of India,
Sripuram,
Tirunelveli.

2.The Branch Manager,
State Bank of India,
Mela Ilanthakulam,
Tirunelveli District.

3.The Sub-Inspector of Police,
Thevarkulam Police Station,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to allow the petitioner to redeem the jewels weighing of 175.2 gram vide pledged in the second respondent's bank vide Loan No.33187631541 by making the payment of loan amount for a sum of Rs.2,52,000/- along with the interest for a period from 05.08.2013 to 01.11.2014, on the basis of the petitioner's representation dated 29.11.2021 in accordance with law.



W.P.(MD)No.22247 of 2021

For Petitioner : Mr.M.Karthika
For R-1 and R-2 : Mr.S.Sukumar
For R-3 : Mr.R.Sivakumar
Government Advocate
(Criminal Side)

ORDER

This Writ Petition has been filed for issue of a Writ of Mandamus, directing the second respondent to allow the petitioner to redeem the jewels by repaying the loan amount of a sum of Rs.2,52,000/- along with the interest on the basis of the representation made by the petitioner on 29.11.2021.

2. Heard the learned counsel appearing on behalf of the petitioner, the learned counsel appearing on behalf of the respondents 1 and 2 and the learned Government Advocate (Criminal Side) appearing on behalf of the third respondent.

3. The learned counsel for the petitioner submitted that he had availed a jewel loan from the second respondent bank and the petitioner was willing to settle the entire loan amount during the year 2014. However, the second



W.P.(MD)No.22247 of 2021

respondent informed the petitioner that the third respondent had given a letter stating that there is a criminal case pending in Crime No.203 of 2014 and during the pendency of the case, the petitioner will not be allowed to redeem the jewels.

4. The further case of the petitioner is that the criminal case ended in acquittal through judgment dated 13.02.2018 made in C.C.No.305 of 2015 by the Additional Mahila Court, Tirunelveli.

5. The petitioner once again approached the second respondent bank and sought for redemption of the jewels and the matter was also placed before the District Legal Services Authority. When a summon was issued to the second respondent bank, no one appeared on behalf of the second respondent bank and hence no solution was arrived at before the District Legal Services Authority. Even thereafter the petitioner was repeatedly making representations for repayment of the loan with interest for the period from 05.08.2013 to 01.11.2014 and there was no response from the second respondent bank. It is under these circumstances, the present Writ Petition was filed before this Court.



W.P.(MD)No.22247 of 2021

WEB COPY

6. The learned Standing Counsel appearing on behalf of the second respondent bank submitted that the second respondent bank was not in a position to allow the petitioner to redeem the jewels in view of the pendency of the criminal case in Crime No.203/2014 and in view of the order passed by the High Court in CrI.OP.(MD).No.19848 of 2014 and a letter received from the third respondent directing the Bank not to permit the redemption of the jewels. The learned counsel submitted that the criminal case is over and when the bank was attempting to settle the dispute, the petitioner is not willing to pay any interest beyond the year 2014. It is under these circumstances, the issue remained unresolved and hence there was no occasion for permitting the petitioner to redeem the jewels. That apart, not a single pie has been paid by the petitioner till date towards the repayment of the loan.

7. The learned Government Advocate appearing on behalf of the third respondent submitted that pursuant to the order passed by this Court in CrI.OP.(MD).No.19848 of 2014, dated 09.02.2015, a letter was issued to the second respondent bank not to hand over the jewels to the petitioner. Ultimately, the criminal case itself came to an end on 13.02.2018. Thereafter, the Police had no role to play in the present case.



W.P.(MD)No.22247 of 2021

8. This Court has carefully considered the submissions on either side and materials available on record.

9. The crux of the issue is with regard to the period for which the petitioner has to pay the interest on the principle amount. According to the petitioner, he will repay back the entire principle amount with interest for the period from 05.08.2013 to 01.11.2014. However, the second respondent Bank is insisting for payment of interest till the settlement of the entire dues. This issue cannot be gone into in this Writ Petition.

10. In view of the above, there shall be a direction to the second respondent bank to issue a demand notice to the petitioner by calling upon the petitioner to repay back the loan amount with interest. If the petitioner is willing to repay back the amount as demanded by the bank, the petitioner will be permitted to redeem the jewels. If the petitioner is disputing the interest claimed by the second respondent bank, it is left open to the petitioner to negotiate with the second respondent bank and arrive at a settlement. Thereafter, the jewels can be returned back to the petitioner after the settlement of the loan. In any case, this process shall be completed within a period of three (3) months from the date of receipt of a copy of this order.



W.P.(MD)No.22247 of 2021

WEB COPY

11. This Writ Petition is disposed of in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

07.12.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To

- 1.The Regional Manager,
State Bank of India,
Sripuram,
Tirunelveli.
- 2.The Branch Manager,
State Bank of India,
Mela Ilanthakulam,
Tirunelveli District.
- 3.The Sub-Inspector of Police,
Thevarkulam Police Station,
Tirunelveli District.



WEB COPY



W.P.(MD)No.22247 of 2021

N.ANAND VENKATESH, J.

Nsr

W.P.(MD)No.22247 of 2021

07.12.2023