



WEB COPY



W.P.No.25854 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.25854 of 2024

Thenmozhi
D/o.Kuttiyappan,
No.124, Sholingar Road,
Arakkonam, Ranipet District,
Tamil Nadu-631 001.

Petitioner

Vs

Union Bank of India
Formerly Andhra Bank,
Rep. by its Branch Manager,
Kodambakkam Branch,
No.4/9, Main Road,
United India Colony,
Kodambakkam, Chennai-600 024.

Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent to repay the auction amount a sum of Rs.50,01,900/- (Rupees Fifty Lakhs One Thousand Nine Hundred Only) paid by the petitioner,



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together with interest at the rate of 12% per annum from the date of payment by the petitioner and till the realisation at her hands.

For Petitioner: Mr.P.G.Thiyagu

For Respondent: Mrs.M.Geethapriya

ORDER

(Order of the Court was made by G.Arul Murugan,J.)

This writ petition has been filed seeking a direction to the respondent bank to return the amount of Rs.50,01,900/- along with interest at the rate of 12% per annum.

2. Learned counsel appearing for the petitioner submitted that the petitioner was the successful bidder, who purchased the property in the auction held on 30.03.2022. As the sale in favour of the petitioner was set aside by the order of this Court, learned counsel submitted that the respondent bank is liable to refund the money paid by her along with interest.

3. Per contra, learned counsel for the respondent bank submitted that, as soon as the sale was set aside by this Court by a



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common order dated 21.06.2024 passed in W.P.Nos.29040 and 26476 of 2023, the bank has refunded the entire money paid by the petitioner as early as on 25.9.2024 itself and since the petitioner was also a party to the earlier proceedings, she ought to have sought interest in respect of amount paid by her at that juncture.

4. We have considered the rival submissions made by learned counsel for the parties and perused the materials available on record.

5. It is not in dispute that the petitioner was the successful bidder in the e-auction conducted on 30.03.2022, in which the petitioner had purchased the property for a sum of Rs.50,01,900/-. Admittedly, in view of cancellation of sale, the entire amount paid by the petitioner was refunded by the respondent bank on 25.09.2024. The petitioner now claim interest for the period of nearly 2½ years from the date of payment till the date of refund.

6. It is to be noted that the bank had initiated proceedings against the borrower who was not alive at that time and, in such circumstances, the legal heirs of the borrower have filed a writ petition before this Court in W.P.No.16400 of 2023 seeking to declare that the



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sale of the property is null and void as proceeded against a dead person and to consequently allow them to redeem the mortgage executed by the original borrower, their father. The said writ petition filed by the legal heirs came to be disposed of by an order dated 25.05.2023, wherein the legal heirs were granted 12 weeks' time to deposit the outstanding amount of Rs.42,00,000/- in two installments. Further, the bank was restrained from taking any further action pursuant to the sale held in the name of the dead person. The petitioner herein was arrayed as fourth respondent in the said writ petition. Neither the petitioner, nor the respondent bank had filed any appeal as against the order dated 25.05.2023 passed in W.P.No.16400 of 2023, cancelling the sale and allowing redemption by legal heirs.

7. However, the petitioner herein filed a separate writ petition in W.P.No.26476 of 2023 seeking direction to the respondent bank to handover vacant possession of the property. Further, W.P.No.29040 of 2023 also came to be filed by the legal heirs of the borrower seeking direction to the respondent bank to return all the original documents by cancelling the memorandum of deposit of title deeds.



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8. This Court, vide a common order dated 21.06.2024, allowed the writ petition filed by the legal heirs and, consequently, dismissed the writ petition filed by the petitioner, where she sought to handover possession of the property. While deciding the aforesaid writ petitions, this Court had given a categorical finding that neither the petitioner nor the bank chose to challenge the earlier order dated 25.05.2023 passed in W.P.No.16400 of 2023.

9. The petitioner was a party in W.P.No.16400 of 2023 in which the sale conducted was set aside, which was not put to challenge; and that in W.P.No.26476 of 2023 filed by the petitioner seeking to hand over possession, this Court, vide order dated 21.6.2024, rejected the claim, finding fault with the conduct of the petitioner in not pursuing any appeal as against the sale that was set aside earlier. When in the earlier order the bank was restrained to take any further action pursuant to the sale and ultimately, immediately after the writ petition filed by the petitioner was dismissed on 21.6.2024, the amount was refunded on 25.9.2024, the present writ petition filed by the petitioner seeking interest for the amount paid by her cannot be countenanced.



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10. When the petitioner was aware of the entire proceedings and admit that the auction sale amount has been refunded, in view of the delay and complete inaction on the part of the petitioner, she is not entitled for any interest, as claimed by her, in this writ petition.

In view of the aforesaid finding, the writ petition is dismissed.

There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
16.07.2026

Index : Yes/No
Neutral Citation : Yes/No
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To:

The Branch Manager,
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Formerly Andhra Bank,
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