

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.27753 of 2015

and

M.P.No.2 & 3 of 2015

V.Anjaneyalu

Petitioner

- Vs -

1. State Bank of India,
Rep. by its Branch Manager,
No.173, J.N.Road,
Tiruvallur, ADB Branch,
Tiruvallur.

2. State Bank of India,
Rep. by its Authorized Officer,
No.173, J.N.Road,
Tiruvallur ADB Branch,
Tiruvallur.

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari to call for the records on the file of the 2nd respondent in respect of the tender cum auction sale notice dated 24.08.2015 which was published in "DINAMANI AND NEW INDIAN EXPRESS" News Papers on 25.08.2015 by the second respondent and to quash the same.

For Petitioner : Mr.V.B.Thirupathikumar
For Respondents : Mr.K.P.Sanjeev Kumar (R1 and R2)

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O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. Heard the learned counsel for the petitioner as well as the learned counsel for the respondents.

3. Challenging the Tender cum Auction Sale Notice dated 24.08.2015 by which the tractor of the petitioner was sought to be brought for auction, the present Writ Petition has been filed.

4. At the time of entertaining this Writ Petition, this Court has passed the conditional order by directing the petitioner to pay a sum of Rs. 1,00,000/-, within period of four weeks from the date of receipt of a copy of the said order. The said conditional order has been complied with.

5. The learned counsel for the petitioner submitted that the pendency of the proceedings before the Debts Recovery Tribunal is not known to the petitioner and the petitioner would repay the amount for the tractor, if time is given to pay the amount in installments. The tractor was seized in the year 2012 and nobody would be benefited by keeping the tractor idle.

6. The learned counsel for the respondents submitted that the proceedings before the Debts Recovery Tribunal is pending and the total amount of Rs.3,14,472/- is pending as of now.

7. This Court is only concerned with the tractor loan account in which a sum of Rs.3,14,472/- is balance outstanding as on 23.10.2015. At the time of granting interim order, this Court was not aware of the proceedings before the Debts Recovery Tribunal. Be that as it may, the petitioner has complied with the conditional order by paying a sum of Rs.1,00,000/-. By keeping the tractor idle, there would not be any benefit to anybody. Therefore, without prejudice to the contentions of the parties pending before the Debts Recovery Tribunal, this Court is of the view that in the interest of justice appropriate direction can be given to the respondents for release of tractor subject to certain conditions. Accordingly, the respondents are directed to release the tractor subject to the condition that the petitioner pays a sum of Rs.20,000/- per month, the said amount shall be paid during the first week of every month starting from the month of December 2015. If the petitioner fails to comply with the repayment, then the benefit of the order would go, meaning thereby it would be open to the respondents to take the custody of the vehicle and to go on with the sale.

9. Accordingly, this Writ Petition is disposed of by directing the respondents to release the vehicle of the petitioner, within a period of two weeks from the date of receipt of a copy of this order subject to the conditions indicated above. No costs. Consequently, connected Miscellaneous Petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Branch Manager,
State Bank of India
No.173, J.N.Road,
Tiruvallur, ADB Branch,
Tiruvallur.
2. The Authorized officer,
State Bank of India,
No.173, J.N.Road,
Tiruvallur ADB Branch,
Tiruvallur.

+2 cc to Mr.V.B.ThirupathiKumar Advocate sr.58449
+1 cc to Mr.K.P.SanjeevKumar, Advocate sr.58136

सत्यमेव जयते

W.P.No.27753 of 2015

scd(co)
aa04/11/2015

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