

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2015

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Mr. JUSTICE M.VENUGOPAL

W.P.No.25787 of 2013
and
M.P.No.1 of 2013

M/s.Viking Engineering Enterprises
rep. By its Proprietor V.Dheenadayalan

... Petitioner

Vs.

1. The Assistant General Manager,
State Bank of India, SARB,
2nd Floor, Red Cross Building,
No.32, Monteith Road,
Egmore, Chennai - 8.

2. The Recovery Officer,
DRT III, Chennai,
5th Floor, Spencer Tower,
No.770A, Anna Salai,
Chennai - 2.

... Respondents

Petition filed under Article 226 of The Constitution of India
praying to issue a writ of certiorarified mandamus to call for the
records related to the order of attachment of immovable property
dated 06.08.2013 passed by the second respondent.

For Petitioner : Mr.V.Karthic
for Ms.Thenmozhi Shivaperumal

For Respondents : Mr.S.Mohan for R1
R2 - Tribunal

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

The petitioner has come up with the writ petition seeking to quash the order of the second respondent dated 06.08.2013.

2.Learned counsel for the petitioner, relying on the decision of the Supreme Court in C.K.Sasankan Vs. Dhanalakshmi Bank Limited (2009 (2) D.R.T.C. 320 (S.C.)) focused his submission to the extent of grant of excessive interest. It is submitted that the Supreme Court has held that proper and reasonable rate of interest should be awarded as per the statutory provisions. It is further submitted that the bank authorities may be directed to consider the representation of the petitioner to take fresh decision on the interest part and after recalculation, if it is found that excess payment has been made to the bank, the bank may also be directed to adjust or refund the said amount to the borrower.

3.We are of the view that the above submission of the petitioner can be acceded to even at this stage. Accordingly, we direct the first respondent bank to consider the same and take appropriate decision in accordance with law and on its own merits, within a period of four weeks from the date of receipt of a copy of this order.

4.With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

mmi

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To

1. The Assistant General Manager,
State Bank of India, SARB,
2nd Floor, Red Cross Building,
No.32, Monteith Road,
Egmore, Chennai - 8.
2. The Recovery Officer,
DRT III, Chennai,
5th Floor, Spencer Tower,
No.770A, Anna Salai,
Chennai - 2.

+1cc to Ms.Thenmozhi Shivaperumal, Advocate, S.R.No.22285
+1cc to Mr.S.Pandurangan, Advocate, S.R.No.22254

W.P.No.25787 of 2013

MP(CO)
CA(30/04/2015)



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