

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.8.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.29549 of 2013
and
M.P.No.2 and 3 of 2013

R.USHARANI
W/O.RANGASAMY,
NAYAKKAR STREET, MELAPATTI ,
S.VAZHAVANTHI POST,
PARAMATHI VELLORE TALUK,
NAMAKKAL DISTRICT.

... PETITIONER

Vs.

1.THE ASSISTANT GENERAL MANAGER,
INDIAN BANK,
ZONAL OFFICE, SALEM 1

2.THE BRANCH MANAGER
INDIAN BANK,
RASIPALAYAM MOHANUR,
NAMAKKAL DISTRICT.

... RESPONDENTS

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records in so far relates to Auction Notice of the 1st respondent published in Dinamalar dt 21.10.2013 and quash the same in so far relates to petitioner is concerned and consequently direct the respondents to release the petitioners tractor and trailor bearing Register No. TN-28-M-5809 to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.P.V.Muralidhar

O R D E R

Petitioner was sanctioned a loan of Rs.5 lakhs on 24.6.2005. As the account of the petitioner has been classified as Non-performing one and using the provision contained under the hypothecation agreement, vehicle was taken possession and sought to be auctioned. Challenging the auction notice, the present writ petition has been filed.

2. In view of the interim order, auction did not go on. The learned counsel for the petitioner submitted that the petitioner has made substantial payment. The said fact is denied by the respondent. It is also submitted that the petitioner was given waiver as per the Central Agricultural Debt Waiver & Debt Relief Scheme, 2008 and the amount was duly credited to his account.

3. As it is purely a commercial transaction, this Court is not willing to allow the writ petition based upon the averments made in the affidavit filed in support of the writ petition. More so, the same is denied.

4. Thus, the writ petition stands disposed of giving liberty to the petitioner to approach the respondent bank who can consider one time settlement as no useful purpose would be served in keeping the tractor idle.

5. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected M.P.No.2 and 3 of 2013 are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

vaan

To

1.THE ASSISTANT GENERAL MANAGER,
INDIAN BANK,
ZONAL OFFICE, SALEM 1

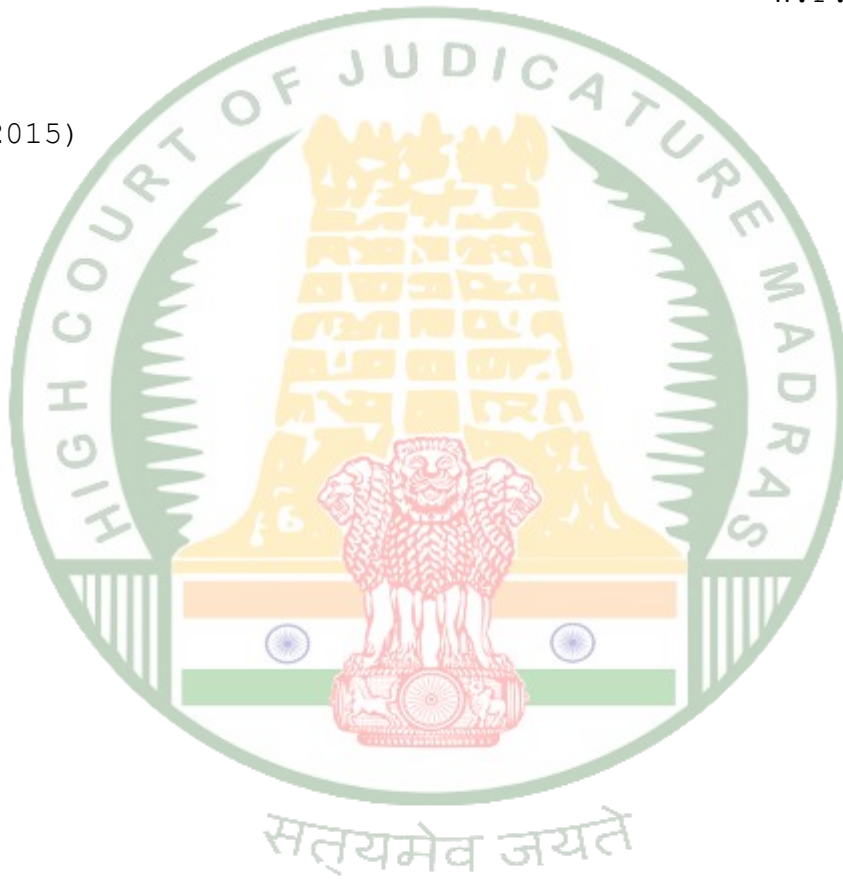
WEB COPY

2.THE BRANCH MANAGER
INDIAN BANK,
RASIPALAYAM MOHANUR,
NAMAKKAL DISTRICT.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.43647
+1cc to Mr.P.V.Muralidhar, Advocate, S.R.No.43620

W.P.No.29549 of 2013
and
M.P.No.2 of 2013

MSM(CO)
CA(01.09.2015)



WEB COPY