



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.(MD)No.2351 of 2017

and

W.M.P.(MD)No.1996 of 2017

I.Santhanam

: Petitioner

-Vs-

The Branch Manager,
Indian Bank,
Kadayanallur Branch,
D.No.109, Main Road,
Kadayanallur,
Tirunelveli District.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to return the petitioner's agriculture tractor bearing Registration No.TN 76 U 5986 to the petitioner.

For Petitioner

: Mr.J.John

For Respondent

: Mr.C.Jawahar Ravindran

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus, directing the respondent to return the petitioner's agriculture tractor bearing Registration No.TN 76 U 5986 to the petitioner.

2. The case of the petitioner is that he is a small agriculturist and he applied for agricultural tractor loan from the respondent in the year 2011. The respondent bank has sanctioned loan of Rs.7,00,000/- for purchasing the tractor for agricultural activities. On demand of the respondent, the petitioner has given collateral security of his house property and agricultural land to an extent of 5 Acres.

3. The petitioner would further state that on 04.11.2011 the respondent has given Rs.7,00,000/- and immediately he purchased the tractor and trailer and its accessories which was registered in the name of the petitioner. Subsequently, so far, he has repaid Rs.5,87,130/-.



4. The petitioner would allege that on 30.01.2017, the respondent bank has seized the petitioner's tractor without adopting due process of law and hence, he has come up with the present Writ Petition.

5. Mr.J.John, learned counsel for the petitioner would submit that the petitioner had been repaying the loan amount regularly and due to monsoon failure, the petitioner could not repay the amount. It is further submitted that the petitioner is ready to pay Rs.2,00,000/- immediately and pay the balance amount in twelve equal monthly installments.

6. Mr.C.Jawahar Ravindran, learned counsel for the respondent would submit that the petitioner is a defaulter and after adjusting the amount already paid, the petitioner is liable to pay more than Rs.7,00,000/- and, therefore, he is not entitled for any indulgence of this Court.

7. However, considering the facts and circumstances of the case, the respondent bank is directed to return the tractor of the petitioner bearing Registration No.TN 76 U 5986 on payment of Rs.2,00,000/- by the petitioner. The petitioner shall pay the balance amount in twelve equal monthly installments and if there is any default, the respondent bank is at liberty to take action as per law.

8. The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar.

To

The Branch Manager,
Indian Bank,
Kadayanallur Branch,
D.No.109, Main Road,
Kadayanallur,
Tirunelveli District.

+1CC to M/S.J.John, Advocate, SR.No. 58033

+1CC to M/S.J.Jawahar Ravindran, Advocate, SR.No. 58016

Order made in
W.P.(MD)No.2351 of 2017