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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.(MD)No.2538 of 2016

V. Sekar

... Petitioner

vs.

1) The District Collector,
Sivagangai District,
Sivagangai.

2) The Manager,
State Bank of India,
Sivagangai Weekly Market Road,
Sivagangai.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus or any other appropriate Writ or Order or direction, in the nature of Writ, or direction directing the 2nd respondent to return petitioner's agricultural tractor with trailer bearing registration No.TN 63E 5375 to the petitioner.

For Petitioner	: Mr. J. John
For Respondent No. 1	: Mr. A. Muthukaruppan Additional Government Pleader
For Respondent No.2	: Mr. Pala. Ramasamy

ORDER

The petitioner seeks for a direction to the 2nd respondent to return the Tractor with Trailer bearing registration No.TN 63 E 5375 to the petitioner.

2.Heard the learned counsel for the petitioner and the learned counsel for the 2nd respondent Bank.

3.It is seen that the petitioner has availed agricultural loan from the 2nd respondent Bank and that the said Tractor was seized for non payment of certain installments of the said loan. It is stated by the petitioner that subsequently, the loan was discharged in full satisfaction and even thereafter, the 2nd respondent is not returning the Tractor with Trailer.



4.The learned counsel for the 2nd respondent, based on instructions, submitted that the petitioner has paid the loan amount and however, has to pay some charges to the Bank so as to enable the Bank to return the Tractor and Trailer.

5.Even though the Tractor was seized at the beginning of the year 2015 and the petitioner has also paid the entire loan amount in the month of March 2015 itself, there is no justification for the Bank to retain the Tractor and Trailer all these months without allowing the petitioner to use the same for his agricultural purpose. Needless to say, by this time, the value of the vehicle would have diminished drastically. Therefore, I find no justification on the part of the 2nd respondent Bank in retaining the Tractor vaguely by stating that some charges are yet to be paid. Hence, the 2nd respondent is directed to return the Tractor with Trailer to the petitioner within a period of seven days from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs.

Sd/
Assistant Registrar(T & P)

/TRUE COPY/

Sub Assistant Registrar

To

- 1) The District Collector,
Sivagangai District, Sivagangai.
- 2) The Manager, State Bank of India,
Sivagangai Weekly Market Road, Sivagangai.

+1cc to M/s.Pala.Ramasamy, Advocate, in SR No.961/2017.

+1cc to Special Government Pleader in SR.No.1145/2017.

W.P. (MD) No.2538 of 2016
05.01.2017

RR
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