

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.6736 of 2012

V.Ponnusamy

... Petitioner

-Vs-

1.The Branch Manager,
Indian Bank,
Vallam Branch,
Gingee Taluk,
Villupuram District.

2.The Grievances Redressal Officer,
Indian Bank, Zonal Office,
No.10, Kamarajar Salai,
Puducherry.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to implement strictly the order of this Court dated 28.06.2010 passed in W.P.No.5657 of 2009, on the basis of the Agricultural Debts Waiver and Debts Relief Scheme, 2008 by crediting into the petitioner's loan account.

For Petitioner : Mr.R.Thanjan

For Respondents : Mr.E.Kandhan for
M/s.Aiyar & Dolia

O R D E R

Heard Mr.R.Thanjan, learned counsel for the petitioner and Mr.E.Kandhan, learned counsel appearing for the respondents.

2. The petitioner has approached this Court, seeking the following relief:-

"To issue a Writ of Certiorarified Mandamus, to call for the records from the 3rd respondent relating to the impugned proceedings in No.23ED/1874/555/WKs dated 16.03.2006 and confirmed by the learned Principal District Judge, Thiruvallur District in PP CMA No.44 of 2006 dated 31.01.2011, quash the same and consequently forbear the respondents, their men, servants and agents whoever claiming under them from demolishing the petitioner's Ayyappan Temple situated at Survey

No.14/1B, Muthapudupet Village, IAF Avadi, Chennai-55."

3. The case of the petitioner is as follows:-

In response to the writ petition, today, on behalf of the Bank, a memo has been filed. The contents of the memo are extracted hereunder:-

Memo filed by the Indian Bank

1. It is submitted that by the order dated 28.06.2010 in W.P.No.5657 of 2009, this Hon'ble Court on the basis of counter affidavit filed by the Bank passed an order to the effect that the petitioner is entitled to refund under the Agricultural Debt Waiver and Debt Relief Scheme 2008 as a small farmer. As per the counter filed by the Bank in the said writ petition that the petitioner would be entitled to a sum of Rs.82,506/-.

2. Pursuant to the order dated 28.06.2010, by the communication dated 28.08.2010, the petitioner was informed by the Bank that a sum of Rs.82,506/- was credited to his loan amount AMTL544903821 and that subsequent to the credit, the outstanding amount of the loan account is Rs.90,188/- payable by the petitioner.

3. Therefore, the respondent Bank has complied with the relief sought for in the present writ petition which has been filed after a period of 2 years from the receipt of communication dated 28.08.2010 and thus nothing survives for adjudication in the present writ petition.

4. As on date, a sum of Rs.2,78,147/- is payable by the petitioner in respect of term loan and a sum of Rs.1,17,530/- is payable under KKC (Kisan Credit Scheme).

5. That apart, the debt in respect of the loan availed by the petitioner has since been assigned to M/s.Reliance Asset Reconstruction Ltd., Chennai. Therefore, the said company is proper and necessary party for the adjudication of the present writ petition.

4. In view of the compliance by the Bank to the earlier directions passed by this Court in W.P.No.5657 of 2009 dated 28.06.2010, this Court finds that the issue raised in the writ petition no more survives for consideration before this Court and therefore, the writ petition is closed.

5. In case, the petitioner still has any grievance against the claim of the Bank, it is always open to the petitioner to workout his remedies in the manner known to law. No costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

1.The Branch Manager,
Indian Bank,
Vallam Branch,
Gingee Taluk,
Villupuram District.

2.The Grievances Redressal Officer,
Indian Bank, Zonal Office,
No.10, Kamarajar Salai,
Puducherry.

+1 CC to Mr. Aiyar and Dolia, Advocate sr 27326.

GMI (CO)
SP(27/04/2018)

W.P.No.6736 of 2012

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