

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.1004 of 2011

K.Munusamy Reddy

.. Petitioner

Vs

State Bank of India
Rep. by its Branch Manager
Thirutani Branch
M.P.S.Salai
Thirutani-631 209

... Respondent

Prayer:-

This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a writ of Mandamus directing the respondent to return back the gold jewels pledged in jewel loan account bearing No.01577070233 to the petitioner in pursuant to the Petitioner's Representation dated 18.10.2010.

For Petitioner : Mr.A.Prabhakaran
For Respondent : No appearance

ORDER

The Writ Petition is filed seeking to issue a writ of Mandamus to direct the respondent to return back the gold jewels pledged in jewel loan account bearing No.01577070233 to the petitioner in pursuant to the Petitioner's Representation dated 18.10.2010.

2. The Petitioner and his brother availed a term loan from the respondent Bank for purchasing a Tractor and Trailer in the year 1995 for agricultural purpose. On 26.10.1995, the said loan was sanctioned.

3. The State Government has announced waiver of agricultural term loan. It is stated that in the year 2001, the petitioner availed a jewel loan and pledged his gold ornaments. According to the Petitioner, in the year 2002, the entire amount due in respect of the jewel loan account was cleared by the Petitioner. It is further stated that term loan for purchasing Tractor and Trailer is a separate transaction and the jewel loan is a

separate transaction. Thus, according to the Petitioner, the respondent Bank cannot deny the relief of waiver of loan announced by the State Government in respect of Tractor and Trailer purchase term loan for agricultural purpose.

4. The respondent has filed counter affidavit by stating that the Petitioner is not entitled for waiver of the agricultural loan. The Petitioner had pledged the jewels and obtained loan in the year 2002 and it cannot be termed as two separate transactions. The respondent further stated that the Bank claimed General Lien in terms of Section 171 of the Contract Act.

5. It is submitted by the learned counsel for the Petitioner that no order is passed by the respondent Bank on the representation dated 18.10.2010. He further submits that under similar circumstances, the respondent Bank has granted relief to the borrowers.

6. In the light of the above said submission of the learned counsel for the Petitioner and considering the prayer sought for in this writ petition, without going into the merits of the case, the Petitioner is directed to file additional supporting documents, if any, before the Bank within two weeks from the date of receipt of a copy of this order and the respondent is directed to consider the representation of the Petitioner dated 18.10.2010 along with supporting documents filed by the Petitioner and pass orders on merits and in accordance with law within a period of eight weeks thereafter.

7. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nvsri

To

The Branch Manager
State Bank of India, Thirutani Branch
M.P.S.Salai, Thirutani-631 209

+2ccs to M/s.Ramalingam, Advocate, S.R.No.2400
+1cc to Mr.A.Prabhakaran, Advocate, S.R.No.1665

WP.1004 of 2011

SSD(CO)
CS/15/02/2019