

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.12.2020

C O R A M

The Hon'ble Mr. Justice SENTHILKUMAR RAMAMOORTHY

Writ Petition No.29388 of 2010

&

M.P.No.1 of 2010

P.Moorthi

...Petitioner

vs.

Bank of Baroda,
Rep. by its Senior Branch Manager,
Nambiyur Branch, Kovai Road,
Nambiyur, Gobichettypalayam Taluk,
Erode District-638 458.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records of the Respondent dated 25.11.2010 relating to the enlisting the services of the recovery agent for repossession of Tractor bearing Regn.No.TN33AW 4773 and Trailer bearing Regn.No.TN 33 4752 in respect of the Loan Account No.0552060000 2233 of the Petitioner herein and quash the same as illegal, arbitrary and against the principles laid down by the Hon'ble Supreme Court in the case of Manager, ICICI Bank Ltd., Vs. Prakash Kaur and Others reported in 2007 (2) CTC 334 and further direct the Respondent to release and return the Tractor bearing Regn.No.TN 33AW 4773 and Trailer bearing Regn.No.TN 33 4752 forthwith.

For Petitioner : Mr.K.Soundararajan

For Respondent : Mr.S.Pandurangan

O R D E R

In this writ petition, the order dated 25.11.2010 pertaining to the enlisting of the services of a recovery agent for re-possession of the tractor and trailer of the Petitioner in order to recover the alleged dues under the loan account of the Petitioner is under challenge.

2. The Respondent, Bank of Baroda, has filed a counter affidavit wherein it is stated that the tractor and trailer in question were returned to the Petitioner on 10.12.2011 and that the said tractor and trailer are currently in the possession of the Petitioner. It is further stated that the bank filed OA.No.203 of 2012 on the file of the Debt Recovery Tribunal, Madurai and that a decree was obtained in the said proceedings. Pursuant thereto, it is stated that a debt recovery certificate had been obtained. With regard to the allegation that a recovery agent was engaged, it is stated that the services of the said agent were not utilized after the receipt of notice in the writ petition.

3. In light of the aforesaid statements in the counter affidavit of the Respondent/Bank, nothing survives for adjudication in the present writ petition. Accordingly, this writ petition is closed. However, it is made clear that this order shall not preclude the prosecution of independent proceeding by either the Petitioner or the Respondent as regards the aforesaid loan. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

The Senior Branch Manager, सत्यमेव जयते
Bank of Baroda,
Nambiyur Branch, Kovai Road,
Erode District-638 458.

+1 CC to Mr.S.Pandurangan Advocate Sr.No.42537

+1 CC to Mr.K.Soundararajan, Advocate Sr.No.42684

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GMR (CO)
KP (20/01/2021)