

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.Nos. 16441 & 16445 of 2019

and

W.M.P.Nos. 16102 & 16105 of 2019

B.Selvi .. Petitioner in W.P.No. 16441 of 2019

B.Venkatesan ... Petitioner in W.P.No. 16445 of 2019

...Vs...

The Branch Manager,
Canara Bank,
Thiagarajapuram Branch,
Vellore - 632 001.

... Respondent

COMMON PRAYER : Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records from the file of respondent relating to auction dated 14.06.2019 in account Nos. 0988842024832 & 0988842024833 in G.L.Nos.2234/2011 & 2235/2011 respectively and quash the same and directing the respondent to calculate the interest at the rate 7 % per annum and grant such other relief deems fit to this Court under the circumstances of the case.

For Petitioners : M/s.R.T.Sundari
(in both Writ Petitions)

For Respondent : Mr.T.S.Akash
for T.S.Gopalan
(in both Writ Petitions)

C O M M O N O R D E R

These writ petitions have been filed in the nature of certiorarified mandamus, calling for the records from the file of respondent relating to auction dated 14.06.2019 in account Nos. 0988842024832 & 0988842024833 in G.L.Nos.2234/2011 & 2235/2011 respectively and quash the same.

2. The petitioners have pledged 30 sovereigns (240 grams) with the respondent bank on 23.09.2011 and availed a loan of Rs. 2,63,000/- & 2,52,000/- respectively in Gold Loan number

Nos.0988842024832 & 098884202483 at the rate of 7% interest per annum as agricultural loan. The respondent has issued an auction notice on 01.06.2019 fixing the auction date as 14.06.2019. Challenging the same, present writ petitions have been filed.

3. It is pointed out by the learned counsel for the respondent that the petitioner on an earlier occasion filed writ petitions in W.P.Nos.35712 & 35713 of 2016 respectively as against the same respondent. In those writ petitions, this Court had observed as follows;

" 4. It is rightly submitted by the learned counsel for the respondent that the writ petitions are not maintainable in facts and law. It is only a commercial transaction between the parties and therefore, this Court has no role to play. Moreover, the petitioners earlier writ petitions were also dismissed for default. "

4. A perusal of the extract referred above shows that the petitioners have also filed an earlier writ petitions also.

***5. Today, the learned counsel for the respondent states that the petitioners herein have to given a complaint to the Branch Manager, Canara Bank, Thiagarajapuram Branch, Vellore and thereafter, if a reply is received from the said Bank, based on that reply, the matter would be referred to an Ombudsman to conduct an enquiry.**

6. In view of that submission, since an alternate remedy is available to the writ petitioners, the petitioners herein are directed to avail such an alternate remedy, by giving a complaint to the Ombudsman on the issue and proceed with that enquiry.

7. Accordingly, the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (C.S.III)

***Corrected as per order of this court
dated 12.02.2020 made in W.P.No.16441 & 16445/19**

Sd/-

Assistant Registrar(CS III)

/True Copy/

Sub Assistant Registrar

To

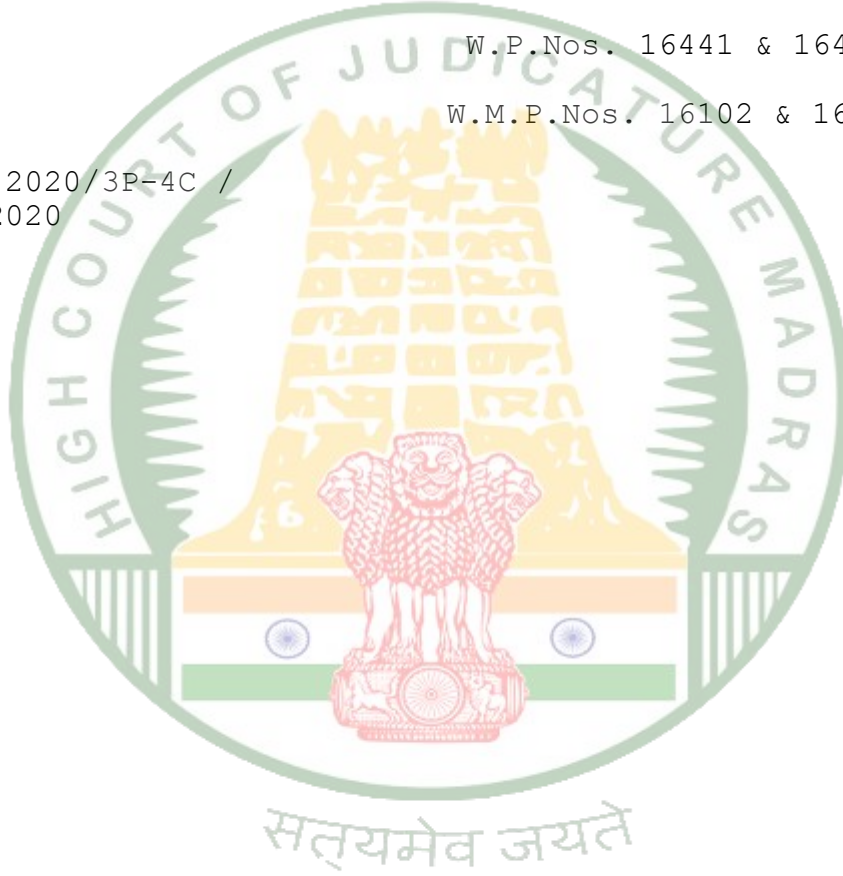
To be substituted to the order
already despatched on 11.02.2020

The Branch Manager,
Canara Bank,
Thiagarajapuram Branch,
Vellore - 632 001.

+1 cc to M/s.R.T.Sundari, Advocate Sr.No. 9574
+1 cc to M/s.T.S.Gopalan & Co., Sr.No. 9319

W.P.Nos. 16441 & 16445 of 2019
and
W.M.P.Nos. 16102 & 16105 of 2019

AKM/07.02.2020/3P-4C /
nr 14/02/2020



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