



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD)No.2338 of 2017

S.Manikandan

... Petitioner

Vs

1.The Special Officer,
Head Office,
Trichirappalli District Central Co-operative Bank Ltd.,
Near Arunachalam Mandram,
Trichy - 2.

2.The Manager,
The District Central Co-operative Bank Ltd.,
(Rock Fort),
Periyakadai Street,
Trichy - 2.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to return the jewels of the petitioner pursuant to the representation dated 02.12.2016 on the file of the respondents herein.

For Petitioner : Mr.V.Illanchezian
For Respondents : Mr.D.Shanmugaraja Sathupathi

O R D E R

Heard the learned counsel on either side.

2.The petitioner is a member in the second respondent/Bank. The petitioner had pledged jewellery with the respondent/Bank under three accounts. The details of the three accounts are as under:-

S.No.	Account Number
1	707718780
2	707262694
3	707645528

3.The learned standing counsel appearing for the bank fairly states that the writ petitioner had cleared his loan liability arising under all the three accounts. But then, there is one snag and impediment. The jewellery in respect of the Account No.707645528 turned out to be an imitation jewellery. Therefore, a criminal case in Crime No.4 of 2016 had been registered. The petitioner's bother-in-law is the jewel appraiser and he is figuring as an accused in that case. The jewel has been seized by the police



in connection with the investigation. Therefore, the bank is unable to return the pledged jewellery under the said account. The bank is however ready to return the jewellery in respect of the other two accounts.

4. Therefore, I direct the respondents to return the jewellery pledged under Account Nos. 707718780 and 707262694 at the earliest and without any further delay. As regards the jewellery pledged under Account No. 707645528, it is open to the petitioner herein to move the jurisdictional Criminal Court for appropriate relief.

5. The writ petition is allowed in the above terms. No costs.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Special Officer,
Head Office,
Trichirappalli District Central Co-operative Bank Ltd.,
Near Arunachalam Mandram,
Trichy - 2.

2. The Manager,
The District Central Co-operative Bank Ltd.,
(Rock Fort),
Periyakadai Street,
Trichy - 2.

W.P. (MD) No. 2338 of 2017
20.07.2020

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