



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 4560 of 2021  
and  
WMP No. 5185 of 2021

S. Sathiyapriya

...Petitioner

Versus

1.The General Manager  
Tamil Nadu Grama Bank  
No.6, Yercaud Road  
Hasthampatti  
Salem 636 007.

2.The Regional Manager  
Tamil Nadu Grama Bank  
No.65, Kanyakulam Road  
1st Floor, Villuppuram  
Villuppuram District 605 602

3.The Branch Manager  
Tamil Nadu Grama Bank  
Kanjannur Branch  
Villuppuram District 605 203

...Respondents

Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent and quash the impugned auction notice dated 11.02.2021 and consequently directing the 3rd respondent to receive the outstanding amount and release petitioner's jewel within the time stipulated by this Court.

For Petitioner : Ms. S. Ponmozhi

For Respondents : Ms. M. Saranya  
for Mr. L. Jayakumar for R1 to R3

O R D E R

The petitioner has come up with this Writ Petition for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent, quash the impugned auction notice dated 11.02.2021 and consequently direct the 3rd respondent to receive the outstanding amount and release petitioner's jewel within the time fixed by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>

2. According to the petitioner, her husband availed jewel loan and agricultural loan from the 3rd respondent bank. Her



husband died on 24.5.2018. After his demise, the petitioner approached the third respondent Bank to redeem the jewels by settling the entire outstanding amount, but the third respondent Bank did not come forward to receive the amount on the ground that the petitioner husband's had availed agricultural loan and the amount thereof is pending. Subsequently, the third respondent issued a final auction notice dated 11.2.2021 for auctioning the jewels pledged. After receiving the auction notice, the petitioner approached the third respondent and offered to pay the entire outstanding amount of Rs.81,000/-, however, the third respondent insisted the petitioner to pay the amount due under both the loans availed by her husband on or before 18.2.2021.

3. It is the grievance of the petitioner that the third respondent has failed to furnish the proper calculation details and particulars about the agricultural loan availed by her husband. Even otherwise, the agricultural loan availed by her husband and the jewel loan are distinct and separate, while so, insisting the petitioner to pay the loan due towards the agricultural loan availed by her husband, as a condition precedent for closure of the jewel loan is unjustified. The petitioner has therefore filed the present writ petition for the aforesaid relief.

4. When the writ petition was taken up on 24.2.2021, this Court granted interim stay of auction of jewels pledged by the petitioner's husband subject to the condition the petitioner pays a sum of Rs.81,000/- to the third respondent within a period of one week. Subsequently, on 24.3.2021, the interim stay so granted was made absolute since the petitioner has complied with the condition.

5. When the matter is taken up today for hearing, the learned counsel appearing for the respondents, on instructions, filed details of payment required to be made by the petitioner for the release of jewels. A copy of the same has been served on the learned counsel for the petitioner, who in turn, submits that the petitioner is inclined to go before the Bank for an amicable settlement for release of jewels.

6. In the light of the above, leaving it open to the petitioner to approach the third respondent bank to settle the dispute amicably, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar



To

1.The General Manager,  
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Salem 636 007.

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3.The Branch Manager,  
Tamil Nadu Grama Bank,  
Kanjapur Branch,  
Villuppuram District 605 203.

+1cc to M/s.S.Ponmozhi, Advocate, S.R.No.41618

+1cc to M/s.L.Jayakumar & Associates, Advocate, S.R.No.41910

WP No. 4560 of 2021

PA(CO)  
RVM(23/08/2021)