



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2021

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.NO.7513 OF 2014

AND

M.P.NO.1 OF 2014

Mr.Murugesan

...Petitioner

Vs

1.The Superintendent of Police,
Office of the superintendent of Police,
Erode.

2.The Senior Branch Manager,
Indian Overseas Bank,
Moopalayam Branch,
Moopalayam, Erode.

...Respondents

PRAYER : This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 2nd respondent to handover the jewels which was mortgaged in Jewel Loan Account Nos. 131000376 and 131000377 with them after receiving the loan amount based on petitioner representation dated 21.01.2014 and pass orders.

For Petitioner : Mr.S.Shankar

For 1st Respondent : Mr.K.M.D.Muhilan,
Government Advocate

For 2nd Respondent : No appearance

O R D E R

The relief sought for in the writ petition is to direct the 2nd respondent to handover the jewels which were mortgaged in



Jewel Loan Account Nos. 131000376 and 131000377 with them after receiving the loan amount based on petitioner's representation dated 21.01.2014.

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2. Mere representation to the respondents cannot constitute a cause for issuing a direction to resolve the disputes in respect of a jewel loan. The jewel loan is granted by the bank based on certain terms and conditions. It is a contract. Therefore, if any dispute arise, it is to be resolved through the appropriate forum and not by filing a writ petition or merely sending a representation to the authorities and filing a writ petition to consider the representation. Such writ petitions are filed on the hope that High courts are issuing such directions in a routine manner. However, such directions would cause infringement of right in respect of other parties. Therefore, even for a direction to consider the representation, the petitioner has to establish his right and only then such a direction can be issued and not otherwise. However, the disputed issues with reference to jewel loan account cannot be entertained in a writ proceedings under Article 226 of the Constitution of India. If at all any dispute prevails, the aggrieved person has to approach the competent authority or the forum to redress the grievance.

3. In view of the facts and circumstances, the relief as such sought for to receive the loan amount and to handover the jewels based on a representation cannot be granted and accordingly, the writ petition stands dismissed. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

// True Copy //

Sub Assistant Registrar

rap/ars

To:

1. The Superintendent of Police,
Office of the Superintendent of Police,
Erode.



2.The Senior Branch Manager,
Indian Overseas Bank,
Moopalayam Branch,
Moopalayam, Erode.

+1cc to the Government Pleader SR.No.50847

W.P.No.7513 of 2014
M.P.No.1 of 2014

RLD(CO)
RVM(21/10/2021)