



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.26607 of 2021

U.Karunakaran

... Petitioner

vs.

1. The Branch Manager,
State Bank of India,
Ammamet Branch,
Ammamet,
Thanjavur District.

2. Pranammal, S.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the 1st Respondent to raise the attachment made in E.P.No.65/2014 by considering the Petitioner's representation dated 08.06.2021 and 21.06.2021 with regard to the Petitioner's property in Survey Number 310/3 to an extent of 1 acre 65 cents i.e. 495 Kuzhi, since the loan account is already closed by the 2nd Respondent.

For Petitioner

:

Mr.V.Sithanan

O R D E R

Petitioner has come up with the present Writ Petition seeking a direction to the 1st Respondent to raise the attachment made in E.P.No.65/2014 by considering his representation dated 08.06.2021 and 21.06.2021 with regard to his property in Survey Number 310/3 to an extent of 1 acre 65 cents i.e. 495 Kuzhi, since the loan account is already closed by the 2nd Respondent.

2. It is stated by the Petitioner that, one T.Nedumaran had purchased the property comprised in S.No.310/3 to an extent of 1 acre 65 cents, i.e. 495 kuzhi vide Sale Deed dated 03.09.2012 registered as Doc.No.3824/2012 from the 2nd Respondent herein viz. S.Pranammal. In turn, to meet out his



urgent medical expenses, Nedumaran sold the said property to the Petitioner vide Sale Deed dated 08.09.2014 registered as Doc.No.3517/2014. Later, the Petitioner came to know that, the 2nd Respondent, had concealed the fact that, she had obtained Tractor loan from the 1st Respondent/State Bank of India, Ammapettai Branch, Thanjavur District during the year 2006, by executing an equitable mortgage of the property comprised in Survey No.310/3 and that, a part of the said land to an extent of 1 acre 65 cents was later sold to the said Nedumaran.

3. According to the Petitioner, as there was no encumbrance as on the date of sale, i.e. 08.09.2014, he purchased the property in question from the said Nedumaran. It is his case that, the 2nd Respondent herein sold the property, after mortgaging it for loan, with an ulterior intention to cheat the 1st Respondent/Bank and the purchaser. Hence, the Petitioner made a complaint in February 2021 to the Inspector of Police, Vaduvur Police Station against the 2nd Respondent herein and a copy of the said complaint was communicated to the 1st Respondent on 22.02.2021 to take necessary action against the 2nd Respondent herein. Subsequently, the Petitioner came to know that, the 2nd Respondent had paid the outstanding loan amount to the 1st Respondent/Bank and that, the Bank has handed over documents to the 2nd Respondent. Hence, the Petitioner requested the Bank to issue loan clearance Certificate to him, as the property was attached in E.P.No.65/2014 filed by the Bank.

4. The Petitioner sent representations dated 08.06.2021 and 21.06.2021 to the 1st Respondent/Bank requesting them to raise attachment made in E.P.No.65 of 2014 on the file of the Sub-Registrar Office at Mannargudi with regard to the mortgaged property of the 2nd Respondent/Pranammal in their Branch. As no orders are passed on the said representations, having no other alternative, the Petitioner is before this Court with the above Writ Petition.

5. Learned counsel for the Petitioner submitted that, a direction may be issued to the 1st Respondent/Bank to consider the Petitioner's representation dated 21.06.2021 in accordance with law, within a stipulated time.

6. As no adverse order is passed against the Respondents herein, notice to the Respondents is dispensed with.

7. Heard the learned counsel for the Petitioner and perused the material documents available on record.



8. Considering the facts and circumstances of the case and without going into its merits, this Court directs the 1st Respondent/Bank to consider the Petitioner's representation dated 21.06.2021 in accordance with law and pass appropriate orders, after giving an opportunity of hearing to the Petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

(aeb)

To:

The Branch Manager,
State Bank of India,
Ammamet Branch,
Ammamet,
Thanjavur District.

+1cc to Mr.V.Sithanan, Advocate SR.No.68803

W.P.No.26607 of 2021

RK(CO)
CB(03/01/2022)