



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.36447 OF 2015

AND

M.P.NO.1 OF 2015

Balavaradharaj

...Petitioner

Vs

The Branch Manager,
State Bank of India,
No.15, Officers line,
Vellore -632 001.

..Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, forbearing the Respondent from confirming the auction held on 31/10/2015 pursuant to the notice dated 02/11/2015 and direct the Respondent to return 30 Sovereign Jewels on payment of Principal amount of Rs. 2 Lakhs with 7% within a period of 6 months.

For Petitioner : Mr.Venkatesan[Party in person]
for Balavaradharaj

For Respondent : Mr.V.Vijayakumar
for State Bank of India

O R D E R

The writ on hand is filed to forbear the Respondent from confirming the auction held on 31/10/2015 pursuant to the notice dated 02/11/2015 and direct the Respondents to return 30 Sovereign Jewels on payment of Principal amount of Rs. 2 Lakhs with 7% within a period of 6 months.

2. The son of the writ petitioner Mr.Venkatesan appeared and made a submission that the Gold Jewels were pledged with the



respondent bank and loan was availed. However, the loan payments were not paid and the petitioner became defaulter. The State Bank of India filed a counter by stating that public auction was conducted on 31.10.2015 itself and 15 members participated in the public auction and the jewels pledged by the petitioner were auctioned on 31.10.2015 itself. One Mr.Vadivelu and Shankar were the successful bidders in the said auction and the jewels were handed over to them on the same date itself. Out of sale proceeds of Rs.5,80,000/- and Rs.3,57,787/- was adjusted for the dues in the said gold loan account and the remaining amount of Rs.2,22,413/- has been given through Banker cheque No.033187 and the same was sent to the petitioner through Registered post on 02.11.2015 and the same was received by the petitioner.

3. This being the factum established, the writ petition deserves no further adjudication. This apart, the loan was sanctioned based on the contract and such terms and conditions cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India.

4. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nti/kak

To

The Branch Manager,
State Bank of India,
No.15, Officers line,
Vellore -632 001.

W.P.No.36447 of 2015

MT (CO)
RLP (07/02/2022)