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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.Nos.24053 to 24056 of 2018

and

W.M.P.Nos. 28029 to 28036 of 2018

Thangarasu,
S/o. Ramasamy Gounder

...Petitioner in
W.P.No.24053 of 2018

Rasammal,
W/o. Ramasamy Gounder

...Petitioner in
W.P.No.24054 of 2018

Ponnusamy,
S/o. Ramasamy

...Petitioner in
W.P.No.24055 of 2018

Ponnusamy,
S/o. Ramasamy

...Petitioner in
W.P.No.24056 of 2018

Vs.

The Branch Manager,
Canara Bank,
A.K.T. School Campus,
Thalaivasal Branch, Attur Taluk,
Salem Dt.

...Respondent in
all W.P.s

Common Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the auction proceedings dated 01.09.2018 published in Dhina Thanthi News paper dated 01.09.2018 published by the respondent and quash the same.

For Petitioners in all W.P.s : Mr.A.Rajakumar

For Respondents in all W.P.s : Mr.Rajesh
for Mr.S.Sivanandam



COMMON ORDER

(The case has been heard through video conference)

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These Writ Petitions have been filed challenging the auction sale notice dated 01.09.2018 issued by the respondent bank for auctioning the jewels pledged by the petitioners.

2. The grievance of the petitioners is that, the petitioners are agriculturists and for the agricultural purpose, they have pledged jewels with the respondent Bank. Due to continuous drought, the petitioners were not able to redeem jewels pledged with the respondent bank. Hence, they have approached the respondent bank seeking time to redeem their jewels, but without considering the same, the respondent bank brought all the jewels for public auction.

3. Mr.A.Rajakumar, learned counsel appearing for petitioners would submit that, the petitioners have already paid 50% of loan amount and whatever the amount remaining to be paid, they will pay the same within a period of three months. That apart, the petitioners would content that, they are poor agriculturists and they have suffered huge loss due to drought. Now, the respondent bank apart from collecting interest, they are collecting penal interest for the belated payment. Hence, he prayed to waive the penal interest.

4. Mr. Rajesh, learned counsel appearing for respondent Bank would content that, the respondent bank advanced agricultural loan to the petitioners and on their request, part of the loan amount has been settled between the parties. So far as interest is concerned, they are not in a position to waive interest as well as penal interest. However, the learned counsel on instructions, would submit that, if the petitioners are willing to pay the loan amount within the time stipulated by this court, they will not proceed with the auction.

5. Heard and considered rival submissions made by learned counsel appearing for both sides and perused the records.

6. Considering the facts and circumstances, now the petitioners are willing to discharge entire loan, and requesting time to settle the amount, in the interest of justice, the auction notice dated 01.09.2018 issued by the respondent bank is set aside and the petitioners are directed to pay the principal amount due as on today as well as accrued interest within a period of three months from the date of receipt of copy of this order. Till then, the respondent bank is directed not to conduct any public auction. If the petitioners fail to discharge entire



loan within a period of three months, it is open to the respondent bank to proceed with the auction. So far as penal interest is concerned, considering the fact that all the petitioners are poor agriculturists and also stated that they have suffered huge loss due to continuous drought, the respondent Bank is directed to waive the penal interest, and collect only principal loan due, along with the interest payable by the petitioners. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rpp

To

The Branch Manager,
Canara Bank,
A.K.T. School Campus,
Thalaivasal Branch, Attur Taluk,
Salem Dt.

+1cc to Mr.S.Sivanandam, Advocate, S.R.No.11935

W.P.Nos.24053 to 24056 of 2018

GMR (CO)
RN (31/03/2022)