



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .Nos.14960 of 2010 and 3041 of 2011

and

M.P(MD) .No.1 of 2010

and

M.P(MD) Nos.2 and 3 of 2011

M.Abimannan ... Petitioner(In both cases)
Vs.

The Branch Manager,
State Bank of India,
Kamarajarpuram Branch,
Thiruchirapalli-620 014. ... Respondent(In both cases)

PRAYER in W.P(MD)No.14960 of 2010: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order of the respondent made in order dated 18.10.2010 and quash the same and consequently direct the respondent to release the agricultural tractor bearing Registration No.TN 45 AJ 6400.

PRAYER in W.P(MD)No.3041 of 2011: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the tender notification of the respondent dated 09.03.2011 made in Thinathanthi dated 10.03.2011 and quash the same as far as against the petitioner.

For Petitioner : Mr.D.Senthil
(In both cases)

For Respondent : Mr.H.Arumugam
(In both cases)

ORDER

W.P(MD)No.14960 of 2010 has been filed seeking to quash the order of the respondent Bank dated 18.10.2010, under which the Bank has seized a tractor belonging to the writ petitioner due to default in payment of the installments.

2. W.P(MD)No.3041 of 2011 has been filed seeking to quash the tender notification of the respondent Bank dated 10.03.2011, under which the Bank intended to bring the seized tractor for auction.



3. Admittedly, the petitioner has borrowed a sum of Rs.5,00,000/- (Rupees Five Lakhs only) from the respondent Bank for purchasing a tractor. Since the amount was not paid, the tractor was seized on 18.10.2010. In W.P(MD)No.14960 of 2010, this Court granted an order of interim injunction restraining the Bank from conducting auction on a condition that the writ petitioner should deposit a sum of Rs.75,000/- (Rupees Seventy Five Thousand only). Accordingly, the petitioner has deposited the said amount. On 29.04.2011, this Court passed an order in M.P(MD)No.3 of 2011 directing the respondent Bank to release the tractor. However, the said order challenged by the Bank in W.A(MD)No.525 of 2011. The writ appeal was allowed setting aside the order passed by the learned single Judge.

4. The learned single Judge of this Court in M.P(MD)No.3 of 2011 on 09.02.2012 had directed the petitioner to approach the respondent Bank with an application within a period of one week from the said day indicating the mode of payment, number of installments and time required for discharging the entire loan amount. However, within the said period of one week, the petitioner has not chosen to approach the Bank with any request as directed by this Court. However, the petitioner has chosen to issue an Advocate notice on 21.02.2012 requesting the Bank to release the tractor once again. Since the petitioner has not complied with the order of this Court dated 09.12.2012, the respondent Bank has proceeded to auction the tractor on 21.04.2014, thereby realizing a sum of Rs.1,22,000/- (Rupees One Lakh and Twenty Two Thousand only). Thereafter, for the balance amount, the respondent Bank is said to have initiated proceedings before Debt Recovery Tribunal, Madurai.

5. The first writ petition, which was filed challenging the seizure order as well as the second writ petition, which was filed challenging an auction have become infructuous due to the fact that the tractor has already been auctioned in view of the continuous default made by the writ petitioner. The order dated 09.12.2012 by this Court directing the petitioner to approach the Bank with modality of payment has yielded no results from the petitioner. Hence, I do not find any merits in both the writ petitions.

6. Accordingly, these Writ Petitions stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-I)

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Sub Assistant Registrar(CS)

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To

The Branch Manager,
State Bank of India,
Kamarajarpuram Branch,
Thiruchirapalli-620 014.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-24343[F] dated 07/06/2022)

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-24665[F] dated 08/06/2022)

W.P. (MD) .Nos.14960 of 2010 and 3041 of 2011
06.06.2022

GM(CO)

KB(16.06.2022) 3P 4C