



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2022

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**THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE**

W.P(MD).No.3088 of 2022  
and W.M.P.(MD).No.2703 of 2022

M.Ganesan

.. Petitioner

Vs.

1.The Assistant General Manager,  
Madurai Central Office, Canara Bank,  
D.No.197, Pandiyan House,  
West Perumal Mastry Street,  
Madurai - 1.

2.The Senior Manager,  
Canara Bank, Kallikudi Chatram Branch,  
Kallikudi Post,  
Kallikudi Taluk,  
Madurai District.

.. Respondents

**PRAYER:** Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 2<sup>nd</sup> Respondent to accept the payment of Jewel loan and to return the pledged Jewels totally weighing about 269.5 Grams in five Jewel loan Accounts No bearing 0968842057898, 0968842057892, 0968842057905, 0968842057910, 0968842057914 to the petitioner, based on his representation dated 18.01.2022.

For Petitioner : Mr.K.K.Samy

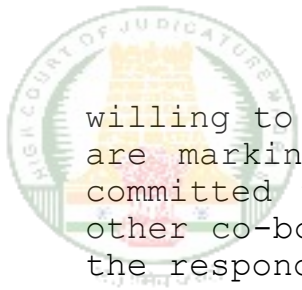
For Respondents : Mr.N.Dilip Kumar

Standing Counsel for Respondents

**ORDER**

This Writ petition has been filed for a Mandamus seeking for a direction to consider the petitioner's representation dated 18.01.2022, requesting the second respondent to accept the payment of Jewel loan and to return the pledged Jewels totally weighing about 269.5 Grams in five Jewel loans bearing Account Nos.0968842057898, 0968842057892, 0968842057905, 0968842057910, 0968842057914 to the petitioner and pass orders on merits and in accordance with law, within a time frame to be fixed by this Court.

2.According to the petitioner, even though the petitioner is



willing to discharge the aforementioned jewel loans, the respondents are marking lien over the same in respect of the other defaults committed under various other loans availed by the petitioner and other co-borrowers. The petitioner claims that such action taken by the respondent is arbitrary and illegal.

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3.However, it is the contention of the respondents as submitted through their panel counsel that only in accordance with law namely Section 171 of the Indian Contract Act, the bank is exercising the general lien. There are disputed questions of fact involved as seen from the affidavit filed in support of this writ petition as well as after hearing the submissions made by the learned counsel appearing for the respondents.

4.However, this Court is of the considered view that no prejudice will be caused to the respondents, if the petitioner's representation dated 18.01.2022, requesting the second respondent to accept the payment of Jewel loan and to return the pledged Jewels totally weighing about 269.5 Grams in five Jewel loan Accounts No bearing 0968842057898, 0968842057892, 0968842057905, 0968842057910, 0968842057914 to the petitioner, is considered on merits and in accordance with law after affording a fair hearing to the petitioner within a time frame to be fixed by this Court.

5.Accordingly, this Court directs the second respondent to consider the petitioner's representation dated 18.01.2022 requesting the second respondent to discharge the aforementioned jewel loans on payment of entire dues in respect of the said jewel loans and return the jewels to the petitioner and pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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*Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*



TO:

1.The Assistant General Manager,  
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Madurai - 1.

2.The Senior Manager,  
Canara Bank, Kallikudi Chatram Branch,  
Kallikudi Post,  
Kallikudi Taluk,  
Madurai District.

+1 CC to M/s.K.K.SAMY, Advocate ( SR-7688[F] dated 22/02/2022 )

+1 CC to M/s.N.DILIPKUMAR, Advocate ( SR-7920[F] dated 22/02/2022 )

**W.P (MD) .No.3088 of 2022**  
**21.02.2022**

RD(09.03.2022) 3P 5C