



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.8146 of 2022

R.Lakshmanamoorthy

... Petitioner

vs.

1.The Regional Manager,
Regional Office, Indian Overseas Bank,
Plot No.40, 80 Feet Road, Arignar Anna Nagar,
Madurai - 625 020.

2.The Bank Manager,
Indian Overseas Bank, Pattiveeranpatt Branch,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to return the petitioner's jewels in the second respondent bank based on the representation, dated 05.04.2022.

For Petitioner :Mr.C.Ezhilarasu

For Respondents :Mr.N.Dilipkumar

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the first respondent to return the petitioner's jewels pledged with the second respondent bank based on the petitioner's representation, dated 05.04.2022 within a time frame to be fixed by this Court.

2.According to the petitioner, the petitioner has paid the entire dues payable under the jewel loan account to the respondents. But despite the same, they have not returned back the jewels to him. In such circumstances, he has given a representation on 05.04.2022 for the said purpose. Since the said representation has not been considered till date, he has filed this Writ Petition.

3.Heard Mr.C.Ezhilarasu, learned Counsel for the petitioner and Mr.N.Dilip Kumar, learned Counsel, who accepts notice on behalf of the respondents.

4.The learned Counsel for the respondents, on instructions, would submit that the respondent bank have exercised general lien as per the provisions of Section 171 of the Indian Contract Act, 1872, as the petitioner has not discharged the loan in respect of other loan accounts. The said statement is recorded.

5.No prejudice will be caused to the respondents, if the petitioner's representation dated 05.04.2022 is considered on merits and in accordance with law after affording a fair hearing to the respondents. Accordingly granting him the right of personal hearing.



6.For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representation, dated 05.04.2022 seeking for return of the petitioner's jewels pertaining to the loan account No.3132000775 and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a period of four weeks from the date of receipt of a copy of this order. The petitioner is permitted to produce all the relevant documents before the respondents.

7.With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Admin I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

+1 CC to M/s.C. EZHILARASU, Advocate (SR-21643[F] dated 27/04/2022)

+1 CC to M/s.N. DILIPKUMAR, Advocate (SR-21789[F] dated 27/04/2022)

W.P. (MD)No.8146 of 2022
26.04.2022

MGJ(23.05.2022) 2P 3C