



W.P(MD)No.28519 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28519 of 2022

and

W.M.P.(MD)No.22528 of 2022

M.Bharanirajan

... Petitioner

Vs.

1.The Regional Manager,
Region-I,
SBI Zonal Office,
Maduram Complex,
No.2, Dr.Ambedgar Road,
Madurai-625 002.

2.The Branch Manager,
State Bank of India,
ADB Branch,
RMS Road,
PB.138, Corporation Building,
Madurai-625 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondents from conducting the auction in connection with gold jewels which were pledged by the petitioner in the 2nd respondent bank in Gold Loan Account No. 39354837141 and 39765139977 scheduled to be held on 19.12.2022 and consequently grant time for the petitioner to repay the arrears of the due to a



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tune of amount Rs. 5,54,000 (five Lakhs fifty four thousand) by considering his representation dated 15.12.2022 in accordance with law.

For Petitioner : Mr.K.Dinesh

For Respondents : Mr.N.Dilipkumar
Standing Counsel

ORDER

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondent bank.

2. The petitioner had availed jewelry loan from the respondents in the year 2020. Since the petitioner committed default, the respondents have brought the pledged item to sale. Questioning the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4. The learned standing counsel, on instructions, submitted that the conduct of the writ petitioner disentitle him to seek relief.

5. My attention is drawn to the hand written letters of the writ petitioner.

The bank had earlier proposed to conduct auction on 14.12.2022. However, the



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petitioner gave an undertaking that he will pay the amount on or before 19.12.2022. Some of the earlier letters written by the petitioner have also been enclosed by the learned standing counsel. I am more than satisfied that the petitioner is simply dragging on the matter. That apart, in a case of this nature, the writ petition will not lie at all. When the borrower commits default, the lending institution is left with no other option but to bring the pledged item to sale. However, taking note of the submission made by the learned counsel appearing for the petitioner that he would pay atleast a sum of Rs.1,00,000/- within seven day from today. I direct the respondents to defer the auction proceedings by 30 days. This direction will stand automatically recalled if within seven days, the petitioner fails to remit a sum of Rs.1,00,000/- towards petition mentioned jewelry loan account (Rs.50,000/- each). It is of-course open to the parties to negotiate between themselves.

5. The Writ Petition is dismissed with the aforesaid direction. No costs. Consequently, connected miscellaneous petition is closed.

19.12.2022

Index : Yes / No
Internet : Yes/ No
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NOTE: Issue Order Copy on 21.12.2022.



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G.R.SWAMINATHAN, J.

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19.12.2022