



W.P(MD)No.1276 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1276 of 2023

and

W.M.P(MD)No.1183 of 2023

M.Bharanirajan

... Petitioner

Vs

1.The Regional Manager,
Regional – I,
SBI Zonal Office,
Maduram Complex,
No.2, Dr.Ambedkar 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 to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned jewel auction sale notice dated 18.01.2023 published by the second respondent in Dinadhanthi News paper and the Hindu News Paper and quash the same insofar as the petitioner loan account Nos.



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39354837141 and 39765139977 are concerned and consequently directing the respondents receive the gold loan remaining due amount and hand over the jewels petitioner pledged with the second respondent bank within time stipulated by this Court.

For Petitioner : Mr.M.Shakul Hameed

For Respondents : Mr.N.Dilipkumar
Standing Counsel

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing Counsel appearing for the respondent Bank.

2.The petitioner wants this Court to restrain the respondents from conducting auction in respect of pledged jewels. Notice was issued as early as on 18.01.2023. Auction was scheduled to be held yesterday (23.01.2023). It is not as if the writ petitioner is challenging the action of the respondents for the first time. The petitioner had earlier filed W.P(MD)No.28519 of 2022 before this Court. The said writ petition was dismissed but a lee way was given to the writ petitioner. Paragraph No.5 of the order dated 19.12.2022 made in W.P(MD)No.28519 of 2022 reads as follows:

“5. My attention is drawn to the hand written letters of the writ petitioner. The bank had earlier proposed to conduct



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auction on 14.12.2022. However, the 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.”

3.The learned Standing Counsel clarifies that the undertaking given by the writ petitioner was not honored. In these circumstances, the respondents were justified in conducting the petition mentioned auction. That apart, the auction is said to have already been conducted yesterday (23.01.2023) itself. Nothing survives for further adjudication.



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4.This writ petition is dismissed. There shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

24.01.2023

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

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G.R.SWAMINATHAN, J.

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and

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24.01.2023