



W.P.(MD) No.10033 of 2022

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 27.02.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**AND**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.10033 of 2022**

**and**

**W.M.P.(MD)No.7146 of 2022**

1.S.Tamilarasi

2.S.Abuinaya

3.S.Keerthana

4.S.Suruthi

... Petitioners

**-Vs-**

1.The Authorized Officer,

Small Industries Development Bank of India,

Ground Floor, MADITSSIA Auditorium,

1A-4A, Dr.Ambedkar Road, Madurai-625 020.

2.T.Sureshkumar

... Respondents

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**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned notice published by the 1<sup>st</sup> respondent dated 28.04.2022 published in Dinamalar Daily, and quash the same.

For Petitioner : Mr.S.Suresh  
For R1 : Mr.J.Alaguraam Jothi  
For R2 : Mr.G.Prabhu Rajadurai

### **ORDER**

**[Order of the Court was made by D.KRISHNAKUMAR, J.]**

This Writ Petition is filed challenging the notice published by the 1<sup>st</sup> respondent dated 28.04.2022.

2.The learned counsel appearing for the 1<sup>st</sup> respondent submitted that the Bank is ready and willing to hand over all the movable articles kept in the private warehouse as per the directions of this Court and as far as the balance amount lying with the respondent Bank is concerned, the same will be returned to the petitioners subject to the result of the appeals pending before the Debts Recovery Tribunal, Madurai, for which, the learned counsel appearing for the

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petitioners fairly submitted that they are ready to take back the movable articles from the respondent Bank and in respect of the balance amount lying with the Bank, the petitioners are ready to give indemnity bond to the respondent Bank without prejudice to their legal rights before the Debts Recovery Tribunal, Madurai.

3.The learned counsel for the 1<sup>st</sup> respondent may not have any serious objections to return the balance amount lying with the 1<sup>st</sup> respondent on execution of the indemnity bond by the petitioners.

4.In the light of the aforesaid submissions made on either side, the petitioners are directed to produce the Legal Heir Certificate along with indemnity bond to the respondent Bank within a period of two weeks from the date of receipt of a copy of this order. On receipt of such certificate and bond, the respondent Bank shall hand over the articles and the balance amount to the petitioners, which is subject to the result of the appeals pending before the Debts Recovery Tribunal. We make it clear that the parties can agitate their rights

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5. With the above observation and direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**[D.K.K., J.] & [L.V.G., J.]**  
**27.02.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No

*MYR*



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**D.KRISHNAKUMAR, J.**  
**AND**  
**L.VICTORIA GOWRI, J.**

*MYR*

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