



W.P.(MD)No.10622 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2023

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

W.P(MD)No.10622 of 2020

and

WMP(MD)Nos.9358 and 9359 of 2015

A.Ghouse Ali

... Petitioner

-VS-

1. The Registrar,
Debt Recovery Appellate Tribunal,
Chennai.

2. The Registrar,
Debts Recovery Tribunal,
Madurai.

3. The Authorised Officer,
State Bank of India, Zonal Office, Region I,
No.2, Dr.Ambedkar Road, Madurai 625 002.

4. The Branch Manager,
State Bank of India, ADB, Madurai 625 001.

5. Mrs.Nazrine

6. A.Gulam Tahsdhageer

7. A.Badrudeen

8. A.Usman Ali

9. Mrs.A.Raihana Begum

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10. A.Humayun Kabeer Ali

11. Jawahar Ali

12. K.Abdul Sukkoor

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent herein resulting in the impugned order dated 27.02.2019 in RA(SA)No.122/2014 in so far as relates to confirming the order passed by the Hon'ble DRT, Madurai in S.A.No.162/2011 dated 17.07.2014 and quash the same and direct the 3rd and 4th Respondent Bank to refund the excess collected amount of Rs.19,61,491/- to the petitioner.

For Petitioner : Mr.C.Mahadevan
For R4 : Mr.C.Karthik

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard Mr.C.Mahadevan, learned counsel appearing for the petitioner and Mr.C.Karthik, learned counsel appearing for the respondent No.4.

2. The present writ petition is challenging the order dated 27.02.2019 passed by the Debt Recovery Appellate Tribunal, Chennai, confirming the order of the Debts Recovery Tribunal, Madurai, dated



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17.07.2014. The petitioner is also seeking refund of Rs.19,61,491/- towards the excess amount collected.

3. The petitioner is the guarantor. The property in question was auctioned. The auction was challenged before the Debts Recovery Tribunal. It was ruled in favour of the auction purchaser. The same was challenged by the present petitioner before the Debt Recovery Appellate Tribunal. The Debt Recovery Appellate Tribunal did not confirm the sale and granted liberty to the petitioner to redeem the property. The auction purchaser filed a writ petition before this Court. The writ petition was allowed. The petitioner filed SLP before the Hon'ble Supreme Court.

4. The learned Advocate for the petitioner fairly submits that SLP has been dismissed.

5. There is nothing on record to substantiate the contention that the property has been sold in excess of the amount due and recoverable. There would be no basis for claiming refund of Rs.19,61,491/-. The petitioner may approach the respondent Bank for the accounts and if any amount is due and payable to him, then the steps can be taken by the petitioner.



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WEB COPY 6. The Writ Petition, accordingly, stands disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

[S.V.G., .C.J.]

[K.K.R.K., J.]

29.11.2023

Index : Yes / No

Neutral Citation : Yes / No

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To:

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Madurai.



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THE HONOURABLE CHIEF JUSTICE
and
K.K.RAMAKRISHNAN, J.

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