



W.P.(MD)Nos.10971 and 10972 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)Nos.10971 and 10972 of 2021

K.Baskaran

... Petitioner in W.P.(MD)No.10971/2021

R.Kanagasabapathi

... Petitioner in W.P.(MD)No.10972/2021

-VS-

1.ICICI Bank,
Represented by its Branch Manager,
New Road,
Kovilpatti, Titicorin District.

2.The Superintendent of Police,
Thoothukudi. ... Respondents in both the W.Ps.
(R2 is *suo motu* impleaded vide order dated.08.12.2023)

Prayer in W.P.(MD)No.10971/2021:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to return the petitioner's Gold Jewel Ornaments, weighing 257.400 Grams, which was pledged in Loan Account No.350605002856 at once on the basis of the representation sent by the petitioner, dated 01.06.2021.



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Prayer in W.P.(MD)No.10972/2021:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to return the petitioner's Gold Jewel Ornaments, weighing 378.800 Grams, which was pledged in Loan Account No.350605002894 at once on the basis of the representation sent by the petitioner, dated 01.06.2021.

For Petitioner in both W.Ps. : Mr.R.Anand

For R1 in both the W.Ps. : Mr.Nithyaesh Natraj
Standing Counsel

For R2 in both the W.Ps. : Mr.R.Sivakumar
Government Advocate
(Criminal side)

COMMON ORDER

When the matter came up for hearing on 08.12.2023, this Court passed the following order:-

"These Writ Petitions have been filed for a direction to the respondent Bank to return back the gold jewellery that was pledged by the petitioners towards the loan account on the basis of the representation made by the petitioners on 01.06.2021.

2. The learned counsel appearing on behalf of the petitioners submitted that the petitioners have already paid the entire loan amount and in spite of the same, the jewellery that was pledged was not returned back.



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3. *Per contra*, the learned counsel appearing on behalf of the respondent Bank submitted that the gold jewellery that was pledged was assessed and it was found that they are fake jewellery. In view of the same, the complaint was also given to the Superintendent of Police, Thoothukudi during May 2021. The learned counsel further submitted that the petitioners came to know that the criminal proceedings were initiated against them and that is the reason why they had filed these Writ Petitions.

4. In reply, the learned counsel for the petitioners submitted that the petitioners in fact have given a complaint against the official of the respondent Bank on 12.05.2021 before Kovilpatti East Police Station and the same is pending.

5. On carefully considering the submissions made on either side, it must be seen as to whether the gold jewellery that was pledged by the petitioners is genuine or fake. In view of the same, the Superintendent of Police, Thoothukudi, is suo motu impleaded as the second respondent in both these Writ Petitions. Mr.R.Sivakumar, the learned Government Advocate (Criminal Side) takes notice on behalf of the impleaded second respondent. The impleaded second respondent shall immediately act upon the complaint and assess the genuineness of the jewellery that was pledged by the petitioners at the time of availing the loan. A report shall be filed before this Court. At the time of assessment, both the petitioners as well as the officials of the respondent Bank shall be present. Based on the report filed by



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the second respondent, final orders will be passed in these Writ Petitions.

6. Post these cases under the caption "Part Heard Cases" on 20.12.2023 at 2.15 p.m."

2. Pursuant to the above order, the genuineness of the jewellery was assessed in the presence of the parties. The report that was submitted before this Court shows that all the jewelleries are fake jewelleries. In view of the same, the Inspector of Police, District Crime Branch, Kovilpatti, Thoothukudi District, shall proceed further to register an F.I.R. and conduct the investigation and action shall be taken against the accused persons.

3. In the light of the above development, the relief as sought for in these Writ Petitions cannot be granted by this Court and accordingly, these Writ Petitions stand dismissed. No costs. If the petitioners want to agitate the dispute before any other forum, the same shall be done in accordance with law.

NCC : Yes/No
Index : Yes/No
smn2

20.12.2023



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Copy to:-

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The Inspector of Police,
District Crime Branch,
Kovilpatti,
Thoothukudi District.

To

The Superintendent of Police,
Thoothukudi.



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N.ANAND VENKATESH, J.

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**Common order in
W.P.(MD)Nos.10971 and 10972 of 2021**

20.12.2023