



W.P.(MD) No.9644 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.9644 of 2023

S.Bright Singh

... Petitioner

-VS-

1. The Karur Vysya Bank Ltd.,
Marthandam Branch,
D.No. 1/29, Main Road,
Pamman, Marthandam, Kanyakumari District.
Having its Registered Office, at Erode Road,
Karur – 639 002.

2. The Karur Vysya Bank Ltd,
Asset Recovery Branch,
R.S.No. 170/9,
Uthankudi Village,
Near Mattuthavani Bus Stand,
Madurai 625 107.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a



W.P.(MD) No.9644 of 2023

Writ of Certiorari, calling for the records to the impugned Letter of the respondents in Ref.No. ARBMDU/Marthan/1768 BRIGHT /01/2023-24 dated 15.04.2023 and quash the same and consequently direct the respondents to return back the mortgaged Sale Deeds in Document Nos. 41/2015 dated 14.01.2015 and 170/2017 dated 09.03.2017 pursuant to the order passed by this Hon'ble Court in W.P.(MD).No. 28528 of 2022 dated 22.12.2022.

For Petitioner : Mr.B.Christopher

For Respondents : Mr.R.Pandivel

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.R.Pandivel, learned Standing Counsel takes notice for the respondent – bank.

2. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

3. Prayer in this writ petition reads as follows:-

“For the reasons stated in the accompanying affidavit it is therefore prayed that this Hon'ble Court may be pleased to issue a WRIT OF Certiorari or order or direction in the nature of writ



W.P.(MD) No.9644 of 2023

WEB COPY

calling for the records to the impugned Letter of the respondents in Ref.No. ARBMDU/Marthan/1768 BRIGHT /01/2023-24 dated 15.04.2023 and quash the same and consequently direct the respondents to return back the mortgaged Sale Deeds in Document Nos. 41/2015 dated 14.01.2015 and 170/2017 dated 09.03.2017 pursuant to the order passed by this Hon'ble Court in W.P.(MD).No. 28528 of 2022 dated 22.12.2022.”

4. Mr.R.Pandivel, learned counsel appearing for the respondent – bank would submit that though the petitioner has paid the entire outstanding as directed by this Court, there is still a sum of Rs.1,66,909/- (Rupees One Lakh Sixty Six Thousand Nine Hundred and Nine only) payable towards the expenses incurred by the bank in the legal proceedings and the interest.

5. Learned counsel appearing for the petitioner would submit that the bank should consider his application for waiver.

6. The petitioner is at liberty to make an application to the bank seeking waiver and if such application is made, the bank will positively consider



W.P.(MD) No.9644 of 2023

WEB COPY

the same and upon intimation, the petitioner shall pay the entire balance amount.

On such payment, the bank will return the documents to the petitioner. The petitioner shall make such application on or before 10.05.2023 and the bank shall intimate its decision on or before 31.05.2023.

7. With the above direction, this writ petition is disposed of. No costs.

[R.S.M., J.]

[L.V.G., J.]

28.04.2023

NCC : No
Index : No
Internet : Yes
PKN



WEB COPY



W.P.(MD) No.9644 of 2023

R.SUBRAMANIAN, J.
AND
L.VICTORIA GOWRI, J.

PKN

W.P.(MD) No.9644 of 2023

28.04.2023