



W.P.(MD)No.18367 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.18367 of 2020

Amsara Banu

... Petitioner

vs.

1.The Managing Director,
Canara Bank, Circle Office Site,
563, PB 1078, 1, Annasalai,
Teynampet, Chennai 600 018.

2.The Regional Manager,
O/o. The Regional Manager,
Canara Bank, New Agraharam, Dindigul.

3.The Branch Manager,
Canara Bank, Batlagundu Branch,
RC Church Building, Batlagundu,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No.3 to hand over the jewel of 11 sovereigns which was pledged before him in loan Account No.0946842045125 forthwith by considering the petitioner's representation dated 28.11.2020.



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For Petitioner :Mr.S.M.A.Jinnah
For Respondents :Mr.N.Dilip Kumar

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing the third respondent to return back the jewels that was pledged by the petitioner towards jewel loan Account No. 0946842045125 by considering the representation made by the petitioner on 28.11.2020

2.When the matter came up for hearing during the previous occasion, the learned Counsel appearing on behalf of the petitioner submitted that the entire jewel loan taken by the petitioner has already been repaid back and in spite of the same, the respondent Bank is retaining the jewellery. In view of the same, this Court directed the learned Counsel appearing on behalf of the respondent bank to take instructions and report back to this Court.

3.When the matter was taken up for hearing today, the learned Counsel appearing on behalf the respondent Bank submitted that

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originally the petitioner had taken an overdraft loan to the tune of Rs.5,00,000/- on 20.06.2014. Due to the non payment of overdraft amount, the same was classified as NPA on 28.10.2015 and towards this loan, the petitioner is due and payable a sum of Rs.15,64,321/- as on date. Further, the learned Counsel submitted that the petitioner also took a jewel loan on 21.03.2018 and this loan was repaid back by the petitioner and the loan was closed on 17.06.2018. The learned Counsel submitted that even though the jewel loan was repaid back by the petitioner, the overdraft loan that was taken earlier has already been classified as NPA and the petitioner is due and payable a sum of Rs.15,64,321/- and towards this amount, the Bank has exercised its general lien on the jewel, that was pledged towards the jewel loan.

4.In the light of the above submissions made by the learned Counsel appearing on behalf respondent Bank, the petitioner has to workout her remedy independently in accordance with law and no further orders can be passed by this Court. The respondent Bank is directed to issue notice to the petitioner in this regard and if the petitioner is aggrieved by the same, it is left open to the petitioner to challenge the



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same and workout her remedy in the manner known to law.

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5.The Writ Petition is disposed of accordingly. No costs.

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

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N.ANAND VENKATESH, J.

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