



W.P.(MD)No.19174 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.19174 of 2020

S.Rahamathulla.,

... Petitioner

Vs

1. The Regional Manager,
Canara Bank Regional Office, Madurai-
625 001.

2. The Branch Manager,
Canara Bank Maangulam Branch, Maangulam,
Madurai-625 301.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to direct the 2nd respondent to return the petitioners schedule jewels in Loan Account no. 1842842017680, 1842842018276, 1842842019760, 1842842019887 as per the waiver scheme in G.O.(Ms).No.59 Cooperation, Food and Consumer Protection Department dt 28.6.2016 by considering the petitioner representation dated 7.11.2020.

For Petitioner :Mr..Haja Mohideen,



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For Respondents :Mr.R.Pandivel

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing respondent bank to return the jewels belonging to the petitioner as per the waiver scheme in G.O.(Ms).No.59 Cooperation, Food and Consumer Protection Department dated 28.6.2016 after considering the representation made by the petitioner on 7.11.2020.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3.The petitioner had availed off a jewel loan from the respondent bank. The loan amount was not repaid back and there was demand made by the respondents. According to the petitioner, the petitioner had pledged 160 gms of jewelry and the total value is Rs.2,33,000/-. The legal notice was issued by the second respondent dated 01.10.2020 asking the petitioner to pay a sum of Rs.2,70,127.62/-. According to the petitioner, the actual value of the jewels was nearly Rs.8 lakhs and the second respondent had



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attempted to defraud the petitioner. The further case of the petitioner is that the petitioner is entitled for the waiver in G.O.Ms.No.59 dated 28.06.2016 and accordingly the petitioner has sought for a direction to the second respondent to return the jewelry.

4. In the considered view of this Court, this writ petition is completely misconceived. The Government order that has been relied upon by the petitioner pertains to the loan availed by the small and marginal farmers of Cooperative Society. This G.O. by no stretch can be made applicable to the respondent bank. That apart, it is also brought to the notice of this Court that the jewelry that were pledged by the petitioner have already been brought for auction sale and it has been sold for adjusting the amount towards the loan availed by the petitioner. This Court does not find any merit in this writ petition. Accordingly, this writ petition is dismissed. No costs.

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NCC :Yes/No
Index :Yes/No
RR

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N.ANAND VENKATESH, J.

RR

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