



W.P.(MD) No.25753 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

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and

W.M.P.(MD)No.19861 of 2022

Ponmani Rice Mill,
Through its Proprietor S.Thanasekar,
S/o. Simson,
No.7/3/1, Main Road,
Venkateshwarapuram,
Kadanganeri, Nettur,
Alangulam Taluk,
Tirunelveli District.

: Petitioner

-vs-

1.The Authorized Officer,
Axis Bank Limited,
Loan Center, 4th Floor,
Arcot Plaza,
Old No:38, New No:165,
Arcot Road, Kodambakkam,
Chennai.

2.The Branch Manager,
Axis Bank,
Town Branch,
Tirunelveli District.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining



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to the impugned order made in CrI.M.P.No.14217 of 2022 on the file of the Chief Judicial Magistrate, Tirunelveli dated 20.09.2022 and quash the same and consequently, direct the respondents to regularize the account.

For Petitioner : Mr.S.Packiya Muthu

For Respondents : Mr.P.Pethu Rajesh

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

This Writ Petition is filed to quash the impugned order made in CrI.M.P.No.14217 of 2022 passed by the learned Chief Judicial Magistrate, Tirunelveli dated 20.09.2022 and direct the the respondents to regularize the account.

2. The learned counsel appearing for the petitioner states that the amount fixed by way of one time settlement had been paid in full and that the Bank has agreed to give no due/discharge certificate.

3. In the said circumstances, this Court finds no reason to continue this *lis*. It is open to the petitioner to approach the respondents Bank for return of documents which were deposited while creating equitable mortgage. On representation of the petitioner, the respondents Bank shall consider and do the needful without any delay. In case, there is an



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inordinate delay in handing over documents, it is open to the petitioner to approach this Court for appropriate directions.

4. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [D.B.C., J.]

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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S.S.SUNDAR, J.
and
D.BHARATHA CHAKRAVARTHY, J.

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