



W.P(MD)No.29020 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2023

CORAM

THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.29020 of 2022

M.Jothi

... Petitioner

Vs.

1.The Chief Manager,  
Bank of India,  
58, Balavinayagam Koil Street,  
Tuticorin-628 002,  
Tuticorin District.

2.The Inspector of Police,  
South Police Station,  
Tuticorin,  
Tuticorin District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to release the golden jewellerys pledged in loan in 827177610008870, 827177610008871, 827177610008878 on receiving the gold loan due amounts respectively within the stipulated period fixed by this Court.

For Petitioner : Mr.KA.Raamakrishnan

For R-1 : Mr.C.Karthik  
Standing Counsel



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For R-2 : Mr.B.Thanga Aravindh  
Government Advocate (Crl. Side)

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### **ORDER**

Heard the learned Counsel on either side.

2. The petitioner had pledged the petition mentioned jewellery with the first respondent. Now she wants to redeem the same. The first respondent had informed the petitioner that the account in question has been frozen. The first respondent had acted on the basis of communication issued by the second respondent. That lead to the filing of this writ petition. I called upon the learned Counsel appearing for the respondents to make available the communication issued by the second respondent and I went through the same. It is seen that the second respondent had called upon the first respondent to freeze the petition mentioned account. The suspicion of the second respondent is that the petitioner's husband, who is an accused in a NDPS case had been conducting transactions in the name of his wife. I called upon the second respondent to furnish the details in which the petitioner's husband was involved. Only one case is cited against the petitioner's husband. The petitioner's husband is said to have been involved in Crime No.333 of 2022 on the file of the second respondent. The quantity involved is said to be only a small quantity. I fail to



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understand as to how on that score, the petitioner's husband can be called as a drug offender. In any event, there is zero material to connect the petitioner with the proceeds of crime. The communication dated 30.05.2022 issued by the second respondent is patently illegal. The first respondent is directed to permit the petitioner to redeem the pledged items. Obviously the petitioner has to clear her loan eligibilty before claiming release of the jewels. This writ petition stands allowed on these terms. There shall be no order as to costs.

**01.02.2023**

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

To

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**G.R.SWAMINATHAN, J.**

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