



W.P.No.38190 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.38190 of 2024

S.Srinivasan

.. Petitioner

Vs

1.The State,
rep. by the Deputy Commissioner of Police
Law and Order,
Tambaram, Chennai-600 045.

2.The State,
rep. by the Inspector of Police,
Manimangalam Police Station,
Tambaram, Chennai-600 045.

3.G.Velpandian

4.R.Anitha Ramamoorthy

5.The Authorised Officer,
Indian Bank,
Saidapet Branch, Chennai.

.. Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 1 to 2 to take action against respondent Nos.3 and 4 and to direct the Inspector of Police, Manimangalam Police Station to break open the lock put illegally in petitioner's office premises at Old No.1/179, New No.202, Union Road, Salamangalam, Padappai-601 301 and thereby hand over the possession of the above said property to petitioner after thorough investigation.

For Petitioner : Mr.R.Rajaram

For Respondents : Mr.A.Edwin Prabakar
State Government Pleader
assisted by
Mr.Karthik Jegannath
Government Advocate
for respondent Nos.1 and 2

: Mr.T.Thiyagarajan
for respondent No.4

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Petitioner, admittedly, is a borrower. Petitioner's loan account was declared NPA, almost 14 years ago. The auction was stayed by the Debts Recovery Tribunal subject to the condition of deposit of Rs.36,54,797/-.



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Admittedly, petitioner found it difficult to mobilise the funds and, therefore, approached this Court for reduction of the amount. By an order dated 27th April, 2012 in W.P.No.12597 of 2012, this Court reduced the deposit amount to Rs.25.00 lakhs, which, petitioner says, he has paid. Thereafter, not a penny has been paid. Counsel states he approached the bank for One-Time Settlement. When he approached or when did he write to the bank, nothing is mentioned in the affidavit. In view of the non-payment, the bank has already sold the mortgaged premises to respondent No.3. Respondent No.3 has subsequently even sold the property to respondent No.4.

2. If petitioner was really serious, he would have paid off the debt almost 10 years ago. This is nothing but a dishonest approach by petitioner to thwart all legal proceedings and escape discharging his liability to the bank.

3. Petition is dismissed with costs in the sum of Rs.50,000/- (Rupees Fifty Thousand only). Rs.25,000/- of that shall be paid to respondent No.4



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by way of a cheque drawn in favour of advocate on record for respondent No.4. The balance Rs.25,000/- shall be paid to the following account of the Tamil Nadu Advocate's Clerk's Association, High Court Buildings, High Court, Chennai-600 104:

Account No. : 484026006
Branch : Indian Bank, High Court Branch
IFSC No. : IDIB000M157

These amounts shall be paid within four weeks from today.

(K.R.SHRIRAM, C.J.)

(SENTHILKUMAR RAMAMOORTHY,J.)

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Index : Yes/No
NC : Yes/No
bbr

To:

- 1.The Deputy Commissioner of Police
Law and Order,
Tambaram, Chennai-600 045.
- 2.The Inspector of Police,
Manimangalam Police Station,
Tambaram, Chennai-600 045.
- 3.The Authorised Officer,
Indian Bank,
Saidapet Branch, Chennai.



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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY,J.

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