



W.P No.4304 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P No.4304 of 2024

AGS Builders  
Rep.by its Sole Proprietor, S.K.Nandini  
2/2, Komorapalayam Main Road  
Pallipalayam Agraharam  
Namakkal – 8.

.. Petitioner

-VS-

Canara Bank  
Rep.by its Authorised Officer  
Assets Recovery Management Branch  
Rep.by its Asst.Officer  
First Floor, Regional Office  
T.V.Samy Road, R.S.Puram  
Coimbatore-2.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent Bank to forthwith refund the sum of Rs.34,25,000/- paid by the petitioner towards the deposits made pursuant to the e-auction dated 20.11.2022 conducted and received by the respondent bank to the petitioner with interest at the rate of 18% p.a. from 20.10.2022.



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For the Petitioner : Mr.Jayesh B Dolia  
Senior Counsel  
for Mr.A.L.Shanmugavel

For the Respondent : Mr.P.Ragunathan  
for M/s.T.S.Gopalan & Co.,

ORDER  
(Made by the Hon'ble Chief Justice)

We have heard Mr.Jayesh B Dolia, learned Senior Counsel appearing on behalf of Mr.A.L.Shanmugavel, learned counsel for the petitioner and Mr.P.Ragunathan, learned counsel appearing on behalf of M/s.T.S.Gopalan and Co., learned counsel for the respondent.

2. The prayer in the writ petition is to refund the amount deposited by the petitioner pursuant to the auction sale conducted in the year 2022, as no further proceedings are being taken up. The borrower has challenged the sale notice before the Debts Recovery Tribunal and as stay is operating, the bank is not taking any steps all these years.

3. Learned counsel for the respondent bank submits that the S.A. is now dismissed for non-prosecution by the Debts Recovery



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Tribunal and the Bank can refund the amount to the petitioner and/or also confirm the sale.

4. Learned Senior Counsel submits that the petitioner is now interested only in refund of the amount.

5. As the petitioner wants refund of the amount and the Bank is ready to give the amount back to the petitioner, the respondent Bank shall refund the amount of Rs.34,25,000/- deposited by the petitioner within a period of two weeks from today.

6. The writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**(S.V.G., CJ.)**

**(J.S.N.P., J.)**

**02.04.2024**

Index : Yes/No

Neutral Citation : Yes/No

kst

To

The Authorised Officer, Canara Bank

Assets Recovery Management Branch

Rep.by its Asst.Officer, First Floor, Regional Office

T.V.Samy Road, R.S.Puram, Coimbatore-2.



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THE HON'BLE CHIEF JUSTICE  
AND  
J.SATHYA NARAYANA PRASAD, J.

(kst)

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