



W.P.No.16363 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.16363 of 2024
and W.M.P.Nos.17924 and 22770 of 2024

K.Rangalakshmi

.. Petitioner

vs.

1.The Branch Manager,
Indian Bank,
Lawli Road,
281, Thadagam Road,
Coimbatore-641 025.

2.A.Ameen Basha
3.A.Mahabu
4.A.Shakeel Basha
5.M.Rumana

.. Respondents

[Respondent Nos.2 to 5 impleaded vide order
dated 31.7.2024 in W.M.P.No.23760 of 2024]

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent for consider the petitioner's representation dated 31.5.2024 and direct the respondent to



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return the key in respect of house property bearing Door No.A 133, Justice Sengutuvan Lawyers Colony, Vadavalli, Coimbatore-641 108 to the petitioner.

For Petitioner : Mr.G.Veerapathiran
for Mr.M.Venkadesh Kumar

For Respondents : Mr.T.Karthi
for M/s.Aiyar and Dolia
for respondent No.1

ORDER

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

Application made today is for extending *status-quo* order that was passed on 21st June, 2024. There is also an application [W.M.P.No.22770 of 2024] filed by first respondent bank to vacate the *status-quo* granted on 21st June, 2024. A counter-affidavit of one Mr.S.Ashok Raj, affirmed on 6th July, 2024, is also filed in the writ petition. Admittedly, a copy of this counter-affidavit has also been served on petitioner.

2. In the counter-affidavit of Mr.Ashok Raj, it is stated that a conditional order dated 7th March, 2024 was passed directing petitioner to



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deposit a sum of Rs.24.00 lakh towards the outstanding dues to prove her bonafide. This amount was to be paid in two equal installments on 4th April, 2024 and 2nd May, 2024. The first installment was paid, but there was a default as regards the second installment. Learned counsel for petitioner states that an application for extending the time to make payment of the second installment was filed before Debts Recovery Tribunal, which application is pending even as on date.

3. On 4th June, 2024, writ petition came to be filed. In paragraph 13 of the counter-affidavit, it is stated that as the borrower/petitioner did not pay second installment, the bank proceeded to issue second sale notice on 20th February, 2024 itself. Auction was originally fixed on 12th March, 2024 and bid for Rs.1,20,10,000/- was received, which was accepted as the highest bid. Petitioner never challenged the sale notice. Learned counsel for petitioner states that there is a challenge filed and that was still pending. Learned counsel for respondent bank states that he is unaware of any such challenge. Nevertheless, as the second installment was not paid, a sale confirmation letter dated 8th May, 2024 was issued to auction-purchasers and the entire sale consideration of Rs.1,20,10,000/- was



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received by the bank and sale certificate dated 30th May, 2024 has also been executed in favour of auction-purchasers.

4. In the meanwhile, on 29th May, 2024, Advocate-Commissioner had executed the warrant for physical possession to handover physical possession of the property to first respondent bank and further notice dated 14th June, 2024 was given by the Authorised Officer finally to vacate the premises.

5. We find that there are no averments in the petition to disclose the fact that sale confirmation letter had been issued on 8th May, 2024 or sale certificate had been issued on 30th May, 2024 or warrant for physical possession was executed on 29th May, 2024. In the petition, it is only stated that on 29th May, 2024, petitioner was cornered to sign papers shown by the bank officials and they have taken an inventory of things in one room and sealed the property on 29th May, 2024. The fact that property has been put up for auction or that sale has been confirmed or sale certificate has been issued are not disclosed in the writ petition. It is very relevant to note this because writ petition itself has been affirmed on 4th June, 2024 and,



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therefore, petitioner was duty bound to disclose all material facts and these, according to us, are material facts.

6. At the same time, relief sought in the writ petition is for a writ of mandamus directing first respondent bank to consider petitioner's representation dated 31st May, 2024. There is also a further prayer sought to return the key in respect of the house property. As regards the second prayer, we are not inclined to interfere and petitioner may approach the appropriate forum for appropriate relief. As regards the first prayer, first respondent/bank to consider the representation of petitioner as soon as possible in accordance with law, preferably on or before 30th November, 2024. Mr.Karthi, learned counsel for first respondent bank, states that he will instruct the bank to look into it and deal with it in accordance with law.

7. Writ petition is, accordingly, disposed of. There shall be no order as to costs. Consequently, all interim applications stand disposed of.

(K.R.SHRIRAM, CJ)

(SENTHILKUMAR RAMAMOORTHY,J.)



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Index : Yes/No
NC : Yes/No
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To:

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

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