



W.P.No.26612 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

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D.C.A.Ashok Kumar

...Petitioner

Vs.

1. The Manager,
Bank of Baroda (Erstwhile Vijaya Bank),
No.22, 10th Avenue, Ashok Nagar,
Chennai – 600 083.
2. The Authorized Officer,
Asset Recovery Management Branch,
Bank of Baroda (Erstwhile Vijaya Bank),
Ankur Manor, No.182, Poonamallee High Road,
Kilpauk, Chennai – 600 010.
3. The Manager,
Asset Recovery Management Branch,
Bank of Baroda (Erstwhile Vijaya Bank),
4th Floor, JBAS Building,
No.45, Moore Street, Chennai – 600 001.
4. The Authorized Officer,
Bank of Baroda (Erstwhile Vijaya Bank),
Zonal Office, Stressed Asset Recovery Branch,
No.74, Theyagaraya Road, Near Panagal Park,
T.Nagar, Chennai – 600 017.



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5. The Centurian Bank of Punjab Ltd.,
Represented by its Authorized Officer,
No.72, Marshal Road, Egmore,
Chennai – 600 008.

6. Sudhakar A Rodriguez,
No.6 B Block Iswarya Apartments,
Vanniar 2nd Street, Choolaimedu,
Chennai – 600 094.

7. M.Sangeetha ...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 to 4 to disburse the sum of Rs.5,80,281/- (Rupees Five Lakhs Eight Thousand Two Hundred and Eighty One only) which is lying in the 1st respondent's bank with Account No.304808351000051 with an interest rate of 24% per annum from 31.12.2015 to the petitioner as per the terms of Notice to Vacate the possession dated 31.05.2012 and also as per the representation sent by petitioner to the 3rd respondent on 31.12.2015.

For Petitioner : Mr.T.Prabakar
for M/s. Swaminathan Law Associates

For Respondents : Mr.R.Sreedhar, for R1 to R4

ORDER

The petitioner has filed this Writ petition seeking direction to the respondents 1 to 4 to disburse the sum of Rs.5,80,281/- (Rupees Five Lakhs



Eight Thousand Two Hundred and Eighty One only) which is lying in the 1st respondent's bank with Account No.304808351000051 with an interest rate of 24% per annum from 31.12.2015 to the petitioner as per the terms of Notice to Vacate the possession dated 31.05.2012 and also as per the representation sent by petitioner to the 3rd respondent.

2. Mr.R.Sreedhar, learned counsel takes notice on behalf of the respondents 1 to 4. In view of the consent expressed by the learned counsel on either side, this petition is taken up for final disposal.

3. Since no adverse order is being passed against the respondents 5 to 7, notice to the respondents 5 to 7 is dispensed with.

4. The case of the petitioner is that, he purchased the property owned by the 6th respondent by availing a housing loan to the tune of Rs.13,00,000/- from the 1st respondent on 28.12.2006. While so, as the petitioner could not repay the loan amount, the petitioner's property was declared as NPA and the same was brought for public auction on 25.11.2010 and the same was



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purchased by the 7th respondent for a sum of Rs.18,05,000/-. However, the balance excess amount was not paid to the petitioner. Thereby, the petitioner made a representation dated 09.03.2024 before the 3rd respondent seeking payment of balance amount along with an interest at the rate of 24% per annum, which evoked no response. Hence, this Writ petition.

5. Though very many grounds have been raised, the learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents 1 to 4 to consider the petitioner's representation dated 09.03.2024 and to consequently disburse the sum of Rs.5,80,281/- with an interest rate of 24% per annum from 31.12.2015 to the petitioner.

6. Learned counsel appearing for the respondents 1 to 4 submitted that, appropriate orders will be passed on the petitioner's representation dated 09.03.2024 within the time stipulated by this Court.

7. In view of the aforesaid submissions, this Court without going into the merits of the case, directs the respondents 1 to 4 to consider the petitioner's representation dated 09.03.2024 on merits and in accordance with



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law and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and aggrieved persons, if any.

8. With the above direction, this Writ Petition stands disposed of. No costs.

18.09.2024

skt

NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No



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M.DHANDAPANI, J.

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