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W.P.No.35994 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2024

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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JAI HIND SPINNING MILLS LTD
REP. BY ITS MANAGING DIRECTOR
P.MUTHUSWAMY
235, MINT STREET, PARK TOWN
CHENNAI – 600 003.

.. Petitioner

Vs

1.THE SOUTH INDIAN BANK LTD
CHENNAI GEORGE TOWN BRANCH
No.64, ARMENIAN STREET
CATHOLIC CENTRE, CHENNAI - 600 001.

2.THE AUTHORISED OFFICER
SOUTH INDIAN BANK LTD., REGIONAL OFFICE
HADDOWS ROAD, NUNGAMBAKKAM,
CHENNAI - 600 006.

3.STATE BANK OF INDIA
STRESSED ASSETS RESOLUTION BRANCH
RED CROSS BUILDING, MONTIETH ROAD
EGMORE, CHENNAI - 600 008.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India



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seeking issuance of a writ of mandamus directing respondents 1 and 2 to cancel the Memorandum of Deposit of Title deeds executed by the petitioner in favour of the 1st respondent and registered as Document No.258 of 2017, on 24.2.2017 with the Office of the Sub-Registrar, Puduchatram, Namakkal and consequently direct Respondents 1 and 2 to return to the petitioner the Original title deeds and other documents of the properties which were mortgaged with the 1st respondent to secure the Loan Account bearing No. 004256000000021 of the petitioner maintained with 1st respondent Branch.

For the Petitioner : Ms.P.V.Rajeswari

For the Respondents : Mr.Imayavaramban
for M/s.Ramalingam and
Associates
for respondents 1 and 2

ORDER

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

Heard Ms.P.V.Rajeswari, learned counsel for the petitioner; and Mr.Imayavaramban, learned counsel appearing on behalf of M/s.Ramalingam and Associates, learned counsel for respondents 1 and 2.

2. We had heard the matter on 26.3.2024 and passed an order. However, subsequently the same was mentioned and it was



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stated that the amount of interest was wrongly mentioned. We did not sign the order passed on 26.3.2024, as the matter was mentioned. The said order is kept as it is in the file.

3. Today, learned counsel for the petitioner and learned counsel for the bank are present. It is submitted that the interest amount works out to Rs.31,81,500/- [Rupees Thirty-One Lakh Eighty-One Thousand and Five Hundred only] and the compensation amount awarded by the Debts Recovery Tribunal is Rs.2 Lakh. The total amount works out to Rs.33,81,500/- [Rupees Thirty-Three Lakh Eighty-One Thousand and Five Hundred only]. The bank is further claiming security amount of Rs.8,07,500/- [Rupees Eight Lakh Seven Thousand and Five Hundred only]. The same was not awarded by the Debts Recovery Tribunal.

4. Learned counsel for the petitioner as well as the bank submit that the petitioner and the bank have challenged the order of the Debts Recovery Tribunal and appeals are pending before the Debt Recovery Appellate Tribunal.



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5. Learned counsel for the petitioner submits that the petitioner is ready to deposit the amount of Rs.33,81,500/- [Rupees Thirty-Three Lakh Eighty-One Thousand and Five Hundred only]. The same be kept with the bank in an interest bearing account and the original documents be returned to the petitioner.

6. According to learned counsel for the bank, even the security charges are payable by the petitioner, which comes to Rs.8,07,500/- [Rupees Eight Lakh Seven Thousand and Five Hundred only].

7. The order of the Debts Recovery Tribunal, as it stands, directs payment of interest at the rate of 5% from 11.11.2021 to 23.1.2023 and compensation amount of Rs.2 Lakh.

8. As per the bank, the interest amount comes to Rs.31,81,500/- [Rupees Thirty-One Lakh Eighty-One Thousand and Five Hundred only] and compensation amount is Rs.2 lakh.



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9. In the light of that, the petitioner shall deposit Rs.33,81,500/- [Rupees Thirty-Three Lakh Eighty-One Thousand and Five Hundred only] with the bank. The bank shall keep the said amount in the interest bearing account. On the petitioner depositing Rs.33,81,500/- [Rupees Thirty-Three Lakh Eighty-One Thousand and Five Hundred only], the bank shall return the original documents to the petitioner. The same shall be subject to the decision that would be delivered by the Debt Recovery Appellate Tribunal in the appeals filed by the petitioner and the bank.

The writ petition is disposed of accordingly. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

28.03.2024

Index : Yes/No
Neutral Citation : Yes/No
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