



WMP(MD)No.4206 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Friday, the Fifteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR

AND

The Hon`ble Mr.Justice R.VIJAYAKUMAR

WMP(MD)No.4206 of 2024

in

WP(MD)No.7005 of 2022

K.Vallikumari

... Petitioner/1st Respondent/Writ Petitioner

Vs

1.The Authorized Officer,
IDBI Bank Ltd.,
Anna Salai Branch,
D.No.115 Anna Salai,
Saidapet, Chennai - 15.

2.IDBI Bank Ltd.,
Rep by its Branch Manager,
Anna Salai Branch,
D.No.115 Anna Salai,
Saidapet, Chennai -15.

... Respondents 1 & 2/ Petitioners 1 & 2/
Respondents 1 & 2

3.The Auro Mira Bio System
Kanyakumari Private Ltd.,
Rep. by its Director,
D.No.5, 3rd Floor,
Jasmaens Complex, M.C.Nicholos Road,
Chetpet, Chennai -31.

4.Debts Recovery Tribunal – Madurai,
III and IV Floor Kalyani Towers

<https://www.mhc.tn.gov.in/judis>



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4/162 Madurai - Melur Road
(Near Meenakshi Mission Hospital)
Uthangudi Post, Madurai 625 107.

5.P.Balakrishnan

... Respondents No.5/ Respondent No.4/
Respondent No.5

Prayer in WMP(MD)No.4206 of 2024 :- Writ Petition filed under Article 226 of Constitution of India, to direct the Registrar Judicial to refund the amount of Rs.5.41 Crores to the petitioner or pass such further or other orders as this Hon'ble Court.

Prayer in WP(MD)No.7005 of 2022 :- Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned E-Auction Sale Notice dated 11.03.2022 issued by the 1st Respondent and the subsequent E-Auction Sale conducted on 30.03.2022 and quash the same.

ORDER:- This Writ Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.V.Veerapandian, Advocate for M/s.Vast Law Accociates for the Petitioner and of Mr.Varun Srinivasan, Advocate for the 1st & 2nd Respondents, this Court made the following order:-

(Order of the Court was made by D.KRISHNAKUMAR, J.)

The present Writ Miscellaneous Petition is filed by the writ petitioner / first respondent seeking to refund the amount of Rs.5.41 crores to the petitioner.

<https://www.mhc.tn.gov.in/judis> 2 This Court passed the following order in W.P.[MD]No.7005 of 2022 on



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21.02.2023:

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“5.At this juncture, the learned counsel for the petitioner stated that the petitioner also filed an appeal before the 4th respondent in S.A.SR.No.2736 of 2022 and the same is also pending for disposal. Therefore, he seeks liberty to raise the grounds before the 4th respondent. It is also brought to the notice of this Court that pursuant to the directions of this Court dated 14.11.2022, the petitioner has deposited a sum of Rs.5.41 Crores to the respondent Bank and the Bank is ready to return the aforesaid amount to the petitioner without prejudice to the rights of the parties concerned.

6.Considering the aforesaid submissions made on either side, we are inclined to direct the respondent Bank to refund the aforesaid amount to the petitioner within a period of four weeks from the date of receipt of a copy of this order. The petitioner is also at liberty to agitate her contentions before the Civil Court as well as before the 4th respondent. It is needless to mention that if the petitioner approaches the respondent Bank,



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seeking for a copy of the notice issued under Section 13(2) of SARFAESI Act, the respondent Bank shall consider the same and issue a copy of the said notice to the petitioner.

7. With the above direction, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed."

3. Thereafter, the writ petitioner has filed an appeal before the Hon'ble Supreme Court and the same is yet to come up for admission before the Hon'ble Supreme Court. At this juncture, the respondent Bank has filed an application before this Court in W.M.P.[MD]No.12915 of 2023 and this Court vide order dated 12.07.2023, made the following order:

"5. In the above facts and circumstances, this Court is inclined to pass the following orders:

(i) Subject to the right that may accrue under the special leave petition stated to have been filed by the first respondent, she is directed to receive Rs.5,41,000/- (Rupees five crores and forty one lakhs only) as per the directions of this Court vide



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order dated 21.02.2023 passed in W.P.(MD)No.7005 of 2022,
within one week from today.

(ii) The first respondent shall furnish her Bank Account details to the petitioner – Bank so as to enable them to deposit the said amount in her Bank Account.

(iii) In case the first respondent fails to furnish her Bank Account details, it is open to the petitioner – Bank to deposit the said sum before the Registrar Judicial, Madurai Bench of Madras High Court, Madurai, to the credit of W.P.(MD)No.7005 of 2022.

6.Accordingly, this miscellaneous petition is ordered.”

4.The petitioner has not complied with condition No.2 of the writ order and hence, the bank has deposited a sum of Rs.5.41 crores before the Registrar Judicial, Madurai Bench of Madras High Court, to the credit of W.P.[MD]No.7005 of 2022. Now, the writ petitioner / first respondent has filed the present petition seeking to permit him to withdraw the aforesaid deposited amount of Rs.5.41 crores, which is lying in the credit of the aforesaid writ petition.



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5.The respondent Bank has no objection for refund of the said amount to the petitioner, since the petitioner is neither a borrower nor a guarantor for the said loan account.

6.In view of the above, there is no necessity for serving notice to the other respondents.

7.Therefore, this Court is inclined to direct the Registrar [Judicial], Madurai Bench of Madras High Court to refund the amount of Rs.5.41 crores, which is lying in the credit of W.P.[MD]No.7005 of 2022 by following the necessary formalities as required as per the Rules and the same shall be on filing necessary application before the Registrar [Judicial] for refund of the said amount.

8.Accordingly, this Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/03/2024

Sub Assistant Registrar()



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1.The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

2.The Authorized Officer,
IDBI Bank Ltd.,
Anna Salai Branch,
D.No.115 Anna Salai,
Saidapet, Chennai - 15.

3.The Branch Manager,
IDBI Bank Ltd.,
Anna Salai Branch,
D.No.115 Anna Salai,
Saidapet, Chennai -15.

4.The Director,
Auro Mira Bio System
Kanyakumari Private Ltd.,
D.No.5, 3rd Floor,
Jasmaens Complex,
M.C.Nicholos Road,
Chetpet, Chennai -31.

5.Debts Recovery Tribunal – Madurai,
III and IV Floor Kalyani Towers
4/162 Madurai - Melur Road
(Near Meenakshi Mission Hospital)
Uthangudi Post, Madurai 625 107.

Copy to

The Section Officer, Accounts Section,
Madurai Bench of Madras High Court, Madurai.,



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+ 1 CC to M/s.Vast Law Associates, SR.No.13013

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ORDER DATED : 15/03/2024

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ORDER

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WMP(MD)No.4206 of 2024

in

WP(MD)No.7005 of 2022

Giving direction and etc.
as stated within.

KB(21.03.2024) 8P 7C