



**W.A.(MD)No.2101 of 2024**

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 22.10.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN**

**and**

**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**W.A.(MD)No.2101 of 2024**

**and**

**C.M.P.(MD)No.14869 of 2024**

K.Jamruth

: Appellants

Vs.

1.The Deputy General Manager,  
Indian Bank Main Branch,  
Jeni Plaza, Cantonment,  
Trichy District.

2.The Chief Manager,  
Indian Bank Main Branch,  
Jeni Plaza, Cantonment,  
Trichy District.

3.The Branch Manager,  
Indian Bank,  
Thambipatti Branch,  
Trichy District.

4.V.Ramamoorthy

: Respondents



**W.A.(MD)No.2101 of 2024**

WEB COPY

**PRAYER:** Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order passed in W.P.(MD)No.19966 of 2024 dated 21.08.2024 by allowing the Writ Appeal.

For Appellant : Mr.S.Satheesh Kumar  
For Respondents 1 to 3 : Mr.Gowri Shankar  
Panel Standing Counsel

### **JUDGMENT**

\*\*\*\*\*

[Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**]

Challenge is to the order of the learned Single Judge made in W.P.(MD)No. 19966 of 2024 dated 21.08.2024.

2.The learned Judge has only referred the petitioner to the Civil Court, since the auction had taken place long back and granting a decree for delivery and possession under Article 226 of the Constitution of India is impermissible. Hence, we see no reason to interfere with the judgment of the Writ Court.

3.Accordingly, the Writ Appeal fails and the same is dismissed. However, it is open to the petitioner to seek appropriate relief against the Bank for return of the consideration if he deems



**W.A.(MD)No.2101 of 2024**

fit. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

WEB COPY

**[R.S.M.,J.] & [S.M.,J.]**

**22.10.2024**

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



WEB COPY



**W.A.(MD)No.2101 of 2024**

To

1.The Deputy General Manager,  
Indian Bank Main Branch,  
Jeni Plaza, Cantonment,  
Trichy District.

2.The Chief Manager,  
Indian Bank Main Branch,  
Jeni Plaza, Cantonment,  
Trichy District.

3.The Branch Manager,  
Indian Bank,  
Thambipatti Branch,  
Trichy District.



WEB COPY



***W.A.(MD)No.2101 of 2024***

**R.SUBRAMANIAN, J.**  
**and**  
**SUNDER MOHAN, J.**

MR

**JUDGMENT MADE IN**  
**W.A.(MD)No.2101 of 2024**

**22.10.2024**