



W.P.(MD)No.29218 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2024

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CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.29218 of 2022

M.Amani Abu Ayub Ansari

: Petitioner

Vs.

1.M/s.Asset Reconstruction Company (India) Ltd., (ARCIL),
No.1-G, 1st Floor Century Plaza,
No.500-562, Anna Salai,
Thenampettai,
Chennai – 600 018.
Rep by its Authorised Officer.

2.S.K.Sukumar

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the first respondent to repay a sum of Rs.49,38,000/- [Forty Nine Lakhs and Thirty Eight Thousand] which was deposited by the petitioner with any of the reasonable interest as fixed by this Court, which was deposited by the petitioner within a stipulated time as prescribed by this Court.



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For Petitioner : Mr.N.Marimuthu

For Respondent No.1 : Mr.R.Iyappan

O R D E R

[Order of the Court was made by **D.KRISHNAKUMAR, J.**]

This Writ Petition has been filed seeking for a direction to the first respondent to repay a sum of Rs.49,38,000/- [Forty Nine Lakhs and Thirty Eight Thousand] which was deposited by the petitioner with any of the reasonable interest as fixed by this Court, which was deposited by the petitioner within a stipulated time as prescribed by this Court.

2.Heard Mr.N.Marimuthu, learned Counsel for the petitioner and Mr.R.Iyappan, learned Counsel for the first respondent.

3.We have heard the learned Counsel for the parties at length.

4.Learned Counsel for the respondent bank submitted that the EMD and deposit amount to the tune of Rs.49,38,000/- [Forty Nine Lakhs and Thirty Eight Thousand] was deposited with the first respondent Bank towards payment of sale consideration



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for purchase of the property in question. Due to some reasons, the petitioner is not in a position to pay the balance amount to the respondent Bank. Therefore, the present Writ Petition has been filed.

5.According to the respondent, though they strictly objected the request of the petitioner, now they agree that the said amount will be refunded to the petitioner without any interest.

6.Accordingly, we direct the first respondent Bank to refund the said amount deposited by the petitioner as such, within a period of six [6] weeks from the date of receipt of a copy of this order.

7.With the aforesaid direction, the Writ Petition stands disposed of. There shall be no order as to costs.

[D.K.K.J.] & [P.D.B.,J.]
08.03.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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To
The Authorised Officer,
M/s.Asset Reconstruction Company (India) Ltd., (ARCIL),
No.1-G, 1st Floor Century Plaza,
No.500-562, Anna Salai,
Thenampettai,
Chennai – 600 018.



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D.KRISHNAKUMAR, J.
and
P.DHANABAL, J.

MR

ORDER MADE IN
W.P.(MD)No.29218 of 2022

08.03.2024