



W.P.No.26158 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

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Amogh Spin Weaves Pvt. Ltd,
Rep. by its Managing Director,
Pushpa Ramvijji
2nd Floor, No.9, Vinayagar Nagar,
Kasthuri Nakayam Palayam,
Vadavalli,
Coimbatore-641 041.

Petitioner

Vs

Indian Bank,
Rep. by its Authorized Officer,
ARMB Branch First Floor
Near Carmel Garden MHSS,
Puliyakulam,
Coimbatore-641 045.

Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent bank to comply with the demand made by the petitioner in its letter dated



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12.04.2024 without insisting on any conditions as set out in its response dated 8.5.2024 (wrongly mentioned as 8.5.2023).

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For Petitioner: Mr.Prakash Goklaney
For Respondent: Ms.Varsha.N
for M/s.Aiyar and Dolia

ORDER

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

Heard learned counsel for the parties.

2. This petition has been filed by the petitioner seeking issuance of a mandamus to the respondent/bank to comply with the demand made by the petitioner vide letter dated 12.4.2024 without insisting on any conditions as set out in the response dated 8.5.2024.

3. Learned counsel for the petitioner would submit that out of several properties mortgaged with the respondent/bank towards security for repayment of loan, the respondent/bank has already sold out two valuable properties of the petitioner and realised the amount due and payable by the petitioner/borrower, as per the demand of the respondent which is Rs.727 lakhs.



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4. It is submitted by learned counsel for the petitioner that even if the legality and validity of the sale is under challenge before the Debts Recovery Tribunal (DRT), the respondent, in any case, is not justified in not releasing other mortgaged properties comprising land admeasuring 3.92 acres and building along with plant and machinery.

It is his submission that once the loan amount with interest, etc., as per the demand, is received by the bank out of the sale proceeds of a part of the mortgaged properties, it is arbitrary on the part of the bank not to release the balance of mortgaged properties.

5. Per contra, learned counsel for the respondent/bank would submit that the petitioner has challenged the legality and validity of the auction sale of a part of the mortgaged properties, which is pending consideration before the Debts Recovery Tribunal.

It is further submitted that since the validity of auction sale is under challenge and in the eventuality of any finding that properties which were put to auction could not have been sold in auction without



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first selling out plant and machinery and land admeasuring 3.92 acres, the bank would be left with no mortgaged property. In any case, learned counsel for the respondent/bank would submit that the bank has otherwise agreed to release the plant and machinery.

6. Having considered the submissions of learned counsel for the parties, we find that the reason assigned by the bank for not releasing the balance of mortgaged properties cannot be termed as arbitrary.

7. Since the sale of part of the mortgaged properties is under challenge before the Debts Recovery Tribunal on various grounds and result of the proceedings is still awaited, no relief can be granted by the court at this stage.

8. In our opinion, the petitioner would be at liberty to raise this issue at the time the Debts Recovery Tribunal passes final order in the pending case. At that stage, depending upon the order that may be passed by the Debts Recovery Tribunal, petitioner's prayer with regard to release of remaining mortgaged properties shall also be taken into consideration and appropriate orders passed therein.



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9. We request the Debts Recovery Tribunal to conclude the proceedings one way or the other so that the dispute is put to quietus.

10. This, in our view, is a fit case which should be taken up for mediation between the parties to explore the possibility of settlement. We leave the parties to work out resolution of dispute through mediation also.

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

(MANINDRA MOHAN SHRIVASTAVA, CJ)

(SUNDER MOHAN,J)

18.08.2025

Index : Yes/No
Neutral Citation : Yes/No
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To:

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THE HON'BLE CHIEF JUSTICE
AND
SUNDER MOHAN,J.

(sasi)

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