



WP(MD). No.349 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.01.2025

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

WP(MD). No.349 of 2025

M/s.Indian Bank
represented by its Chief Manager,
Authorized Officer Karaikudi Branch

... Petitioner

Vs

1. M/s.Sri Kondaiya Modern Rice,
Mill (Borrower), Now Represented by its
Proprietor Mr. Muthukumar,
No. 8-3-1a, S.No. 184-11,
Perumal Kovil Sorkavasal Street,
Pallathur Town, Karaikudi

2. M. Muthukumar, (Guarantor)

3. M. Boomathy (Guarantor)

4. Savithra

5. Shantha

6. G. Dharani (Guarantor)

7. S. Gajendran (Guarantor)

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned return endorsement



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order of the Learned Chief Judicial Magistrate, Thanjavur, dated 25.10.2024 and 06.11.2024 made in CrI.M.P. Sr. No. 4368 of 2024 and quash the same and consequently direct the learned Chief Judicial Magistrate, Thanjavur, to number the CrI.M.P.Sr. No. 4368 of 2024 and decide the same on merits in accordance with law.

For Petitioner : Mr.S.Suresh for
M/s.Aiyar and Dolia

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

Challenging the impugned return endorsement order of the Chief Judicial Magistrate, Thanjavur, dated 25.10.2024 and 06.11.2024 made in CrI.M.P. Sr. No. 4368 of 2024 and consequently directing the learned Chief Judicial Magistrate, Thanjavur, to number the CrI.M.P.Sr. No. 4368 of 2024 and decide the same on merits in accordance with law, the petitioner bank is before this Court with this writ petition.

2. To the reasons for returning the application dated 25.10.2024 made by the petitioner bank before the Chief Judicial Magistrate, the petitioner represented the application on 29.10.2024 giving his explanation to the returns. When such explanations are given, the Chief Judicial Magistrate is required to either accept the explanation or reject



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the same instead of returning it once again. Non consideration of the explanations to the specific returns made and mechanically returning the application once again, would render it as a non-speaking order, which cannot stand to scrutiny under the eyes of law.

3. In the light of the above observation, the petitioner is granted liberty to represent the application before the Chief Judicial Magistrate and on receipt of such representation, the Chief Judicial Magistrate shall pass appropriate orders in accordance with law, after consideration of the explanation given by the petitioner-bank.

4. The writ petition stands disposed of accordingly. No costs.

[M.S.R.,J]

[A.D.M.C.,J]

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NCC : Yes/No

Index : Yes/No

Note : Registry is directed to return the original impugned order after retaining a photocopy of the same.

RR

To

1. The Chief Judicial Magistrate, Thanjavur



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M.S. RAMESH, J.
AND
A.D.MARIA CLETE, J.

RR

ORDER
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