



W.P.(MD)No.5142 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5142 of 2025

and WMP (MD) No.3744 of 2025

Muthu

: Petitioner

Vs.

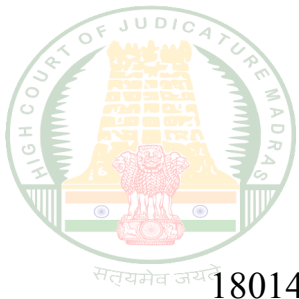
1. The Managing Director and Chief Executive Officer,
Canara Bank,
No.112, JC Road,
Bengaluru Road,
Karnataka.

2. The Regional Manager,
Canara Bank,
West Perumal Maistry Street,
Madurai - 625 001.

3. The Branch Manager,
Canara Bank,
Mattuthavani Branch,
Madurai - 625 020.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No.3 to return the gold jewel weighing of 104.3 grams to the petitioner which pledged by the petitioners husband in Agri Gold Loan Account No.



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180149570938 and Agri Gold Loan Account No.180172437609 on the basis of the petitioner's representation dated 10.02.2025.

For Petitioner : Mr.R.Alagumani

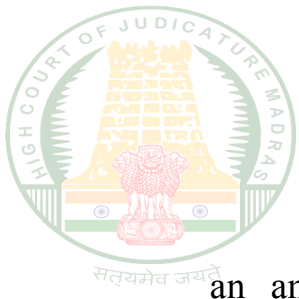
For Respondents : Mr.V.Balasubramanian

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the third respondent to return the gold jewel weighing of 104.3 grams to the petitioner which was pledged by her husband in Agri Gold Loan Account Nos.180149570938 and 180172437609, by considering her representation dated 10.02.2025.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner claims that her late husband pledged gold ornaments to secure an agricultural loan of Rs.2,00,000/- under Account Nos.180149570938 and 180172437609. At the time of availing the loan,



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an amount of Rs.118/- was deducted as loan payment protection insurance (LPP) charges from loan account No.180172437609. Subsequently, her husband passed away in a road accident on 08.06.2023. The petitioner's grievance is that, despite assurances from the third respondent that, due to the deduction of the insurance amount for loan payment protection, the pledged jewels would be returned, the ornaments have not been returned to her without any explanation. In this regard, she submitted a representation dated 02.02.2025 to the respondents 2 and 3. However, since no action has been taken, the petitioner has now filed the present Writ Petition.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.



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5. In the light of the above observations, there shall be a direction to the second and third respondents, to consider the petitioner's representation dated 02.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the second and third respondents to consider the same on its own merits.

6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

26.02.2025

Index : Yes / No

Internet : Yes / No

PKN



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VIVEK KUMAR SINGH, J.

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