



WP(MD). No.12838 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 14/10/2025

CORAM

THE HON'BLE MR.MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HON'BLE MS. JUSTICE R.POORNIMA

W.P.(MD)Nos.12838 and 8298 of 2023

WMP(MD) Nos.7642 of 2023

WP(MD) No.12838 of 2023

S.Palanikumar

... Petitioner

Vs

1. The Zonal Manager,
Indian Bank, Zonal Office,
Nos. 111 and 112, East Avani Moola Street,
Madurai- 625 001..

2. The Authorized Officer,
Indian Bank, Vilakkuthoon Branch,
Madurai - 625 001..

3. The Branch Manager,
Indian Bank, Nagamalai Pudukottai Branch,
Opp to Vellaichamy Nadar College,
Madurai- 625 021..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to pay the interest at the rate applicable to Overdue Housing Loan charged by the respondent bank to the



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petitioner from 1.12.2014 till date of taking possession of the property and handing over the same to the petitioner in respect of the property comprised in Resurvey No. 59/3, Plot No.5, Door No. 200/2, Krishnan Kovil Street, TPM Nagar, Theni Main Road, Kochadai Village, Madurai and Old No.240, Irulandi Thevar Colony, Viratipattu, Madurai- 625 010, within the stipulated period that may be fixed by this Court.

For Petitioner : M/s.R.Murugan

For Respondents : Mr.M.Senthilkumar for R1 to R3

WP(MD) No.8298 of 2023

1. Vignesh,

2. Jegan

... Petitioners

Vs

1. The Authorised Officer,
Indian Bank, Koodalnagar Branch,
Madurai..

2. The Branch Manager,
Indian Bank, Nagamalai Pudukottai Branch,
Madurai..

3. Manimala,
W/o. Chandran,
Door No.240, Irulandi Thevar Colony,
Viratipathu, Madurai..

4. Palanikumar.S,
S/o. P.Senthivel,
Rep. by His Power Agent,
S.Kamatchi Sundaram,
S/o. R.Sithanathan,

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No.204/68, Tower Line Street,
Indirani Nagar, Mudakku Salai,
Kochadai, Madurai

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the 1st respondent impugned notice dated 06.04.2023, quash the same, is arbitrary, ultravires, in suppression of the suit in O.S.No.434/2021 on the file of 4th Additional district court, Madurai.

For Petitioner : No appearance

For Respondents: Mr.M.Senthilkumar for R1 and R2
Mr.R.Murugan for R4
No appearance for R3

COMMON ORDER

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

Towards recovery of loan, the bank put to auction the secured asset, which was purchased by the petitioner S.Palanikumar in WP(MD) No.12839 of 2023 way back in the year 2014. However, the bank could not take possession.

2. Against a notice for delivery of possession issued by the bank, the borrower (legal representative) filed WP (MD) No.8298 of 2023.



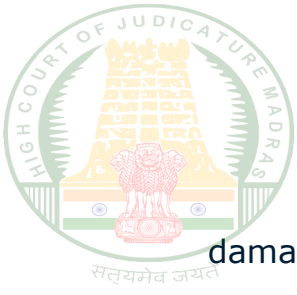
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WEB COPY 3. Today, though there is no representation on behalf of the petitioner in WP(MD) No.8298 of 2023, Shri. R.Murugan, learned counsel, appears for petitioner, S.Palanikumar, and Shri. M.Senthilkumar appears for the bank.

4. Learned counsel for the bank, upon instructions, would submit that the bank had approached the Chief Judicial Magistrate by moving an application under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, for delivery of possession and an order has now been passed and thereafter possession has also been taken on 04.10.2025.

5. In view of the subsequent development, we are inclined to issue a direction to the bank to hand over possession of the property to the petitioner, S.Palanikumar, as early as possible, in any case, within a period of 15 days from the date S.Palanikumar reports in the office of the Manager of the Indian Bank, Nagamalai Pudukottai Branch.

We also give liberty to the petitioner S.Palanikumar to claim



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damages by filing appropriate suit.

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6. Consequently WP(MD) No.12838 of 2023 is allowed.

7. As there is no appearance on behalf of the petitioner in WP(MD) No.8298 of 2023, the same is dismissed for want of prosecution.

However, there shall be no order as to costs. Consequently WMP(MD) No.7642 of 2023 is closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ.) (R.POORNIMA, J.)

14.10.2025

NCC : Yes/No
Index : Yes/No
RR



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To

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THE HON'BLE CHIEF JUSTICE
AND
R.POORNIMA, J.

RR

Order made in
WP(MD) Nos.12838 and 8298 of 2023

14.10.2025