



W.P.(MD) No. 18978 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 18978 of 2025

J.Chandran

... Petitioner

Vs

1. The Authorized Officer / The Chief Manager,
Indian Bank,
Nagercoil Branch,
165, Womens Christian College Road,
Nagercoil,
Kanyakumari District.

2. The Branch Manager,
Indian Bank,
Nagercoil Branch,
165, Womens Christian College Road,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to closer / cancel the petitioners loan accounts and to issue the No Due Certificate and return the petitioners original documents of mortgaged property.



W.P.(MD) No. 18978 of 2025

WEB COPY

For petitioner : Mr. K.Sridhar
for Mr.K.Sathiya Singh

For respondents : Mr.C.Karthik
Standing Counsel

ORDER

This Writ Petition is disposed of at the time of admission with the consent of the learned counsel for the petitioner and learned Standing Counsel for the respondents.

2. The petitioner has approached this Court for a Mandamus to direct the respondents to close the loan accounts of the petitioner and to issue 'No Due Certificate' and to return the original documents of the property mortgaged by the petitioner.

3. It appears that the proceedings against the petitioner had already been initiated under the provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002.



W.P.(MD) No. 18978 of 2025

WEB COPY

4. It appears that the property was auctioned on 21.08.2024 and thereafter, the Sale Certificate was issued to the auction purchaser on 31.08.2024 and the same has also been registered on 09.01.2025 and also the physical possession has been handed over to the auction purchaser with the help of the Executive Engineer under Section 14 of the SARFAESI Act, 2002 on 24.01.2025. Meanwhile, the petitioner had approached this Court in W.P.(MD)No.12548 of 2025, wherein the petitioner had secured the following interim order, on 29.04.2025:

“3.On perusal of the possession notice issued by the 2nd respondent, it is seen that the petitioner is supposed to pay a sum of Rs.9,58,405/- as on 27.02.2023. Therefore, based on the accrued interest, this Court is fixing approximate amount of Rs. 12,00,000/-. Accordingly, the petitioner is directed to deposit a sum of Rs.3,00,000/- on or before 19.05.2025 before the 2nd respondent, who in turn, shall keep the said amount in “No lien” account. The petitioner is further directed to pay the balance amount in four equal monthly installments. It is made clear that if there is any default in paying the aforesaid amount, the 2nd respondent is at liberty to take action in accordance with law.”

5. It is informed that the said Writ Petition was, however, dismissed on 07.07.2025 and the liberty is given to the petitioner to file an application before



W.P.(MD) No. 18978 of 2025

WEB COPY

the Debt Recovery Tribunal (DRT) under the provisions of the SARFAESI Act, 2002 and rules made thereunder.

6. The learned Standing Counsel for the respondents submits that after adjusting the amounts recovered from the auction held on 21.08.2024 for a sum of Rs.9,10,000/-, the balance amount due from the petitioner as on date is Rs.58,690/-, after adjusting the amounts paid by the petitioner pursuant to the interim order, dated 29.04.2024.

7. The learned counsel for the petitioner submits that the petitioner is willing to pay Rs.58,690/- and further charges along with interest with effect from 10.07.2025.

8. Considering the same, this Writ Petition is disposed of in terms of the order, dated 07.07.2025 passed in W.P.(MD)No.12548 of 2025 dismissing the Writ Petition with liberty to approach the Debt Recovery Tribunal. Since the petitioner has paid substantial portion of the amount, the Debt Recovery Tribunal may accept the application filed by the petitioner without insisting on further pre-



W.P.(MD) No. 18978 of 2025

WEB COPY

deposit. Such application shall be filed by the petitioner within the time limit prescribed in order, dated 07.07.2025 in W.P.(MD)No.12548 of 2025.

9. The petitioner shall pay the balance amount as mentioned above within a period of one week from the date of receipt of a copy of this order.

10. This Writ Petition is disposed of, with the above observations. No costs.

Index : Yes / No

11.07.2025

Internet : Yes / No

apd

To

1. The Authorized Officer / The Chief Manager,
Indian Bank,
Nagercoil Branch,
165, Womens Christian College Road,
Nagercoil,
Kanyakumari District.

2. The Branch Manager,
Indian Bank,
Nagercoil Branch,
165, Womens Christian College Road,
Nagercoil,
Kanyakumari District.



WEB COPY



W.P.(MD) No. 18978 of 2025

C.SARAVANAN, J.

apd

W.P.(MD) No. 18978 of 2025

11.07.2025