

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH

* * *

WRIT PETITION No. 34859 of 2015

BETWEEN

Dr.M.Neelima

... PETITIONER

AND

The State Bank of India, Local Head Officer, rep. by its Chief General
Manager and others

...RESPONDENTS

Date of Order pronounced: 27.10.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

- | | |
|--|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the
fair copy of the Judgment? | Yes/No |

-

-

ORDER:-

I had serious doubt about the maintainability of the writ petition.
Therefore, I requested learned counsel for the petitioner to appraise on the
said issue first without touching upon the merits of the writ petition.

2. It is evident that petitioner had availed a vehicle loan with the third
respondent and that on account of the default committed by the petitioner in

repayment of instalment, demand dated 07.09.2015 was issued and on account of the alleged non-compliance of the demand, the vehicle appears to have seized by the Bank. The present writ petition is filed on the ground that the action of the third respondent is highly arbitrary.

3. It is, however, to be noted that the transaction between the petitioner and the third respondent-Bank is purely a commercial transaction governed by the contract of loan between the petitioner and the third respondent and the remedy of the petitioner is to work out within the said contract. Merely because the Bank is regulated by the Banking Regulation Act, this court would not exercise jurisdiction under Article 226 of the Constitution of India interdicting the terms and conditions of the loan agreement between the petitioner and the Bank. Even if the action of the respondent Bank is contrary to the terms of the loan agreement and is arbitrary, petitioner has to approach the civil court or consumer court, as the case may be, for seeking appropriate relief. Writ petition, in my view, is clearly misconceived and not entertained.

Hence, the writ petition is dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

October 26, 2015
LMV