

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.18119 of 2015
and M.P.No.1 of 2015

Shri.Balaji Silks and Readymades,
rep. by its Proprietor Mr.Sathyaseelan .. Petitioner

versus

1. The Union Of India
rep. by Chief Vigilance Officer,
Central Vigilance Commission,
10th Floor, Satarkata Bhavan,
GPO Complex,
Block A, INA, New Delhi - 110 023.
2. The Authorised Officer,
Union Bank of India,
1-C, Commercial Street, opp. to S.P.Office,
Krishnagiri District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of mandamus, to direct the first respondent to investigate petitioner's complaint and file charge sheet before the appropriate Criminal Court in accordance with law.

For petitioner : Mrs.Selvi George

For respondents : Mrs.T.S.Gopalan & Co. (for R1)
Mr.Srinath Sridevan (for R2)

ORDER

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

Alleging that officials of Union Bank of India, Krishnagiri District, have committed certain offences, punishable under law, in the matter of loan transactions, Mr.Sathiaseelan, Proprietor of Shri Balaji Silks and Readymades, Krishnagiri District, is stated to have given a complaint to the Central Vigilance

Commission, Satarkata Bhavan, New Delhi, which is extracted hereunder.

"Mobile No.096006 83281

From
Sathiyaseelan
Proprietor,
M/s.Balaji Silks & Readymades,
Kaveripatinam Main Road,
Kochampalli Pin - 635 206.
Krishnagiri Taluk & Dist.
Tamilnadu.

To
The Secretary,
Central Vigilance Commission,
Satarkata Bhavan,
General Pool Offices Complex,
Block A, INA,
New Delhi - 110 023.

Most Respected Sir,
Sub : Irregularities committed with the
connivance of Banking officials
- submission of - reg.
Ref : My E.Mail letter sent to you on 31.10.2014
to your good office.

Please refer the reference cited.

In the reference cited, I brought certain irregularities, illegalities of one person by name Saravanan with the cluding of Branch Manager of Bank of India, Krishnagiri (Union Bank of India) and requested to take appropriate action against the Bank Manager, by name Smt. Sobalatha and kind interference of your good office so as to enable the Banking High command vigilance to put an end in this line.

In this connection, with the directions of the said Bank Manager, Smt. Somalatha, the loan Manager Thiru Kumar came and had discussion with me, and direct me to withdraw the petition submitted by me to the Vigilance office of the same ban. He also threatening me if I refuse to withdraw my complaint. I have to face dire consequences.

Yesterday 14.11.2014, at about 11.30 Hrs. the said Loan Manager, through his mobile to my above mobile and asked me to meet him immediately and asked me where I am put up. I simply told that I am residing in the above address.

He simply with an arrogant manner told that he and the Manager both were transferred to far away place.

In this connection, the both officials went to the residence of the cheating fellow, Saravanan and on his instructions advised me to go and meet Saravanan to receive a sum of Rs.50,000/- and make arrangements for the withdrawal of my complaint.

Sir, in this connection, eventhough the Banking officials are not at all at liberty to visit the loanee in his house in connection with the loan amount, but in my case all are against.

Under these circumstances, I request that I may please be advised in this line and if any inquiry is held, I shall appear before the inquiry.

Kindly help me.

Yours faithfully,"

2. Contending inter alia that the action taken by the bank under the SARFAESI Act, 2002, is illegal and left with no other alternative, writ petitioner has sought for a mandamus directing the Chief Vigilance Officer, Central Vigilance Commission, New Delhi, the first respondent to investigate.

3. Mr.Srinath Sridevan, learned counsel for the bank submitted that recovery proceedings have been initiated before the Debts Recovery Tribunal-III, Chennai, by instituting an Original Application and respondents are yet to be served. He further contended that the writ petitioner is at liberty to oppose the action of the bank, by making tenable defences.

4. We have heard Ms.Selvi George, learned counsel for the petitioner and perused the materials available on record.

5. Complaint is undated. There is no proof of acknowledgment. Prayer sought for, invoking the provisions of SARFAESI Act, 2002 for an order under Article 226 of the Constitution of India, before this Bench, is wholly misconceived and untenable. If for any reason, the writ petitioner has a grievance, it cannot be said that the writ petitioner is remedy-less under the procedural laws. Remedy under Article 226 of Constitution of India is extraordinary, and can be exercised if only there is no other alternate and effective remedy. Writ petition is misconceived and for the reasons stated supra, is

dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar (CS-V)

//True Copy//

Sub-Assistant Registrar

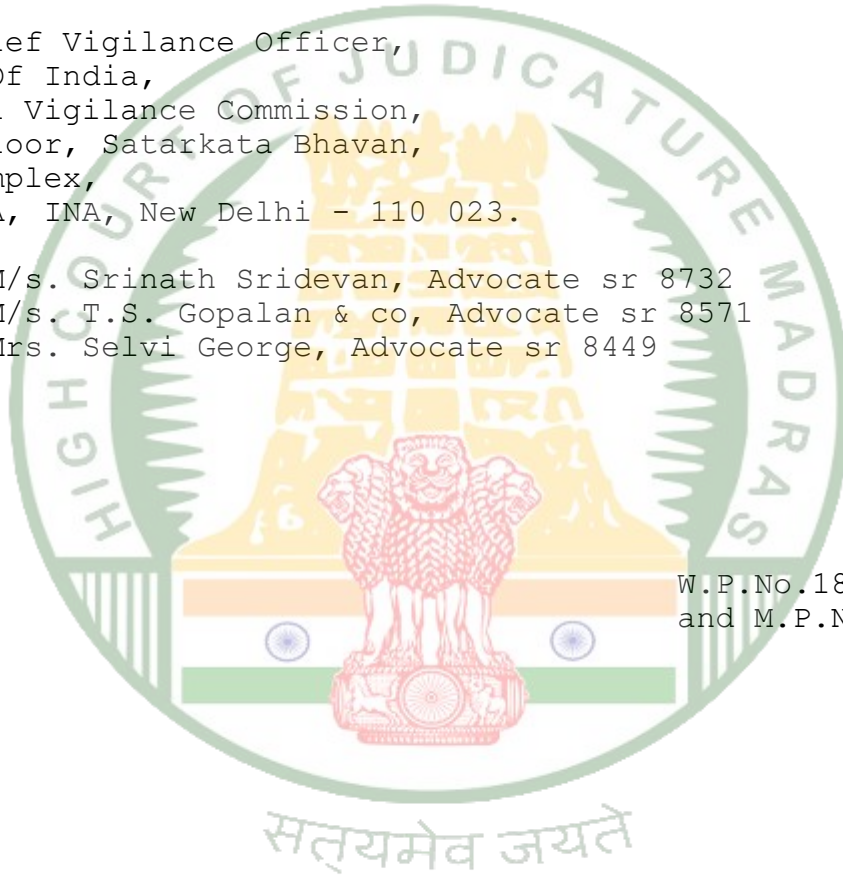
To

1. The Chief Vigilance Officer,
Union Of India,
Central Vigilance Commission,
10th Floor, Satarkata Bhavan,
GPO Complex,
Block A, INA, New Delhi - 110 023.

- +1 CC to M/s. Srinath Sridevan, Advocate sr 8732
+1 CC to M/s. T.S. Gopalan & co, Advocate sr 8571
+1 CC to Mrs. Selvi George, Advocate sr 8449

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RK (CO)
sp/24/2



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