



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.06.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

AND

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.A.[MD].No.567 of 2017

in

C.M.P.(MD).Nos.4712 & 4713 of 2017

1.D.Sangeetha : Appellant/Petitioner

Vs.

1.The Reserve Bank of India,
Rajaji Salai, Chennai 600 001.

2.The Joint General Manager,
REPCO Bank, Repco Tower,
No.33, North Usman Road,
T.Nagar, Chennai-600 017.

3.The Manager,
REPCO Bank,
No.33, North Usman Road,
T.Nagar, Chennai-600 017.

4.The Branch Manager,
REPCO Bank,
No.164, 1st Floor,
Aranmanai Vasal, A.K.R.Complex,
Sivagangai 630 561.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 28.03.2017 made in W.P.(MD).No.4829 of 2017, on the file of this Court.

Prayer in WP(MD) . 4829/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the 2nd respondent herein to take action against the 4th respondent his officials and collection agents for causing death of the petitioner's mother late Thangapazham / borrower and consequently direct the 1st respondent to conduct enquire for the excess committed by the 4th respondent in the recovery action of loan amount from the borrower under Secured Loan benefit No.11.

For Appellant

: Mr.K.Appadurai

For Respondents

: Mr.P.Palaramasamy



JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard the learned counsel for the parties.

2. This Writ Appeal is directed against the order dated 28.03.2017 made in W.P.(MD).No.4829 of 2017.

3. The appellant herein has filed the said Writ Petition seeking a direction to the Joint General Manager, REPCO Bank, Chennai, to take action against the Branch Manager, REPCO Bank, Sivagangai, the fourth respondent herein, alleging that he and the other officials and Collection Agents were the cause for the death of her mother and to direct the first respondent to conduct enquiry for the excess committed by the fourth respondent.

4. The Writ Court, after hearing the learned counsel for the appellant as well as the learned Standing Counsel for the respondents, pointed out that if the appellant has any grievance against the respondent bank and the representatives of the Bank, it is open to him to approach the branch authorities seeking action for his conduct and to take action against them and it is not open to the petitioner to invoke the extra-ordinary power under Article 226 of the Constitution of India. Further, it is pointed out that the issue between the appellant and the respondent bank is one of grant of loan and settlement of the same. Therefore, the Writ Court held that it cannot interfere with the said loan transaction. We are in entire agreement with the view taken by the Writ Court and we find no reason to interfere with the order passed by the Writ Court. Hence, the Writ Appeal is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CS-I)

/ True Copy /

Sub Assistant Registrar(C.S.)

TO

+1 CC TO MR.P.PALA RAMASAMY, ADVOCATE,SR NO.58664

+1 CC TO MR.K.APPADURAI, ADVOCATE,SR NO.58582

NB

MAS/JC/SAR2:15.06.2017:2P-3C

JUDGMENT MADE IN
W.A.[MD].No.567 of 2017
in

C.M.P.(MD).Nos.4712 & 4713 of 2017
06.06.2017