



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM  
AND  
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

WP(MD)No.2510 of 2017  
and MP(MD)No.2103 of 2017

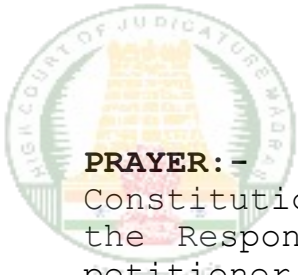
C.Thangajoy

... Petitioner

**-Vs-**

1. The Union of India,  
Rep. By its Secretary,  
Ministry of Finance,  
Department of Financial Services,  
3<sup>rd</sup> Floor Jeevan Deep Building,  
Sansad Marg, New Delhi-110 001.
2. The Central Vigilance Commissioner,  
O/o the Central Vigilance Commissioner,  
Satarkata Bhavan A Block,  
GPO Complex, INA,  
New Delhi-110 023.
3. The Regional Director,  
Reserve Bank of India,  
Post Box No 40 Fort Glacis Building  
No 16, Rajaji Salai, Parrys,  
Chennai-600 001.
4. The Central Beureau of Investigation,  
Rep. By its Joint director and Head of Zone,  
III floor, E.V.K. Sampath Building,  
College Road, Chennai-600 006.
5. The General Manager,  
Indian Bank, Corporate Office,  
PB No.5555, 254-260, Avvai  
Shanmugam Salai, Royapettah,  
Chennai 600 014.
6. The Branch Manager,  
Indian Bank,  
Palayamkottai Branch,  
No.84, Trivandrum Road,  
Palayamkottai,  
Tirunelveli District.

... Respondents



**PRAYER: -** Writ Petition is filed under Article 226 of The Constitution of India for issuance of writ of mandamus forbearing the Respondents 5 and 6 from taking coercive action against the petitioner without invoking section 14 of the SARFEASI Act and to take appropriate action against the 6<sup>th</sup> respondent bank officials who makes monetary loss and loss of reputation by misusing their official power based on the petitioner's representation dated 28.01.2017 within the time stipulated by this Court.

|                |                      |
|----------------|----------------------|
| For Petitioner | : Mr.Ananth C.Rajesh |
| For R1,R2 & R4 | : Mr.P. Paul Pandi   |
| For R5         | : No appearance      |
| For R6         | : No appearance      |

### O R D E R

The petitioner, who is borrower of a loan from the fifth respondent bank, is before this Court seeking for issuance of writ of mandamus forbearing the respondents 5 and 6 from taking coercive action against the petitioner without invoking Section 14 of the SARFEASI Act and to take appropriate action against the 6<sup>th</sup> respondent.

2.Though the petitioner has made the respondents 1 to 4 as parties to this Writ Petition, there is no clear allegation, as to why the investigation should be conducted into the affairs of the respondent Bank.

3.The petitioner would admit that as against the action initiated against the respondent Bank, they have already approached the Debt Recovery Tribunal. Therefore, it is appropriate for the petitioner to raise all contentions before the Debt Recovery Appellate in the proceedings initiated by the respondent Bank.

4.With the above observation, this Writ Petition stands dismissed. No costs. Consequently the connected W.M.P.(MD)No.2103 of 2017 is closed.

Sd/-  
Assistant Registrar (CS-IV)

/True Copy/

Sub Assistant Registrar



To

1. The Secretary,  
Union of India,  
Ministry of Finance,  
Department of Financial Services,  
3<sup>rd</sup> Floor Jeevan Deep Building,  
Sansad Marg, New Delhi-110 001.
2. The Central Vigilance Commissioner,  
O/o the Central Vigilance Commissioner,  
Satarkata Bhavan A Block,  
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New Delhi-110 023.
3. The Regional Director,  
Reserve Bank of India,  
Post Box No 40 Fort Glacis Building  
No 16, Rajaji Salai, Parrys,  
Chennai-600 001.
4. The Joint director,  
Central Beureau of Investigation,  
III floor, E.V.K. Sampath Building,  
College Road, Chennai-600 006.

+ 1 CC TO Mr.P.PAUL PANDI, ADVOCATE IN SR No. 17986  
+ 1 CC TO Mr.ANANTH C.RAJESH, ADVOCATE IN SR No. 18217  
+ 1 CC TO Mr.PALA RAMASAMY, ADVOCATE IN SR No. 18349

CM/TSG/TA

TE/SV-MMS/SAR-IV : 12/04/2017 : 3P/8C

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27.03.2017