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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 28.03.2017

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P (MD) No.4829 of 2017

and

W.M.P (MD) Nos.3857 and 3858 of 2017

D.Sangeetha

..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 - 17.

3.The Manager,  
REPCO Bank, Repco Tower,  
No.33, North Usman Road,  
T.Nagar, Chennai - 17.

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

...Respondents.

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent herein to take action against the fourth respondent, his officials and collection agents for causing death of the Petitioner's mother late Thangapazham/borrower and consequently to direct the first respondent to conduct enquire for the excess committed by the fourth respondent in the recovery action of loan amount from the borrower under ''Secured Loan Benefit No.11''.

For Petitioner

:M/s.K.Appadurai

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents

:Mr.Pala Ramasamy

2 to 4



## ORDER

The Petitioner has approached this Court seeking issuance of a Writ of Mandamus directing the second respondent herein to take action against the fourth respondent, his officials and collection agents for causing death of the Petitioner's mother late Thangapazham/borrower and consequently to direct the first respondent to conduct enquire for the excess committed by the fourth respondent in the recovery action of loan amount from the borrower under ''Secured Loan Benefit No.11''.

2.Mr.Palaramasamy, learned counsel takes notice for the respondents 2 to 4/Bank.

3.By consent of both parties, the main Writ Petition is taken up for disposal, at the admission stage itself.

4.According to the Petitioner, that the fourth respondent in the guise of recovering the amount due from the mother of the Petitioner, has harassed her and because of which, she was hospitalized and finally she died. The case of the Petitioner was that without giving proper account to the Petitioner's mother who borrowed loan amount from the third respondent Bank, the fourth respondent at the instigation of the third respondent had been collecting money, without giving proper credit to the amount collected as such.

5.Therefore the respondents 3 and 4 have indulged in unethical practice and inhuman attitude, which necessitated the Petitioner to submit representations to the respondents 2 and 4 on 27.10.2016 and 19.8.2016 for taking action against the erring officials and redress her grievances. Since no action had been taken by the respondents 2 and 4, the Petitioner is before this Court seeking a Writ of Mandamus for the relief stated supra.

6.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7.If the Petitioner has any grievance against the respondents/bank and the representatives representing the bank, it is always open to her to approach the authority seeking action for their conduct. It is not open to the Petitioner to invoke extra-ordinary power under Article 226 of the Constitution of India for issuing such directions as prayed for.

8.The issue between the Petitioner and respondents/bank is one of grant of loan and settlement of the same. If that is the issue, then this Court's jurisdiction cannot be invoked to sort out the ~~the~~ Petitioner as against the bank and such a blanket direction as sought for in the writ Petition cannot be granted under any circumstances.



9. In view of the same, the Writ Petition fails and the same stands dismissed. It is always open to the Petitioner as she or he may be advised to take appropriate action before the appropriate authority in the manner known to law. Consequently, connected Miscellaneous Petitions are dismissed. No costs.

Sd/-

Assistant Registrar (Protocol)

/True Copy/

Sub-Assistant Registrar

To

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

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REPCO Bank, No.164,  
First Floor,  
Aranmanai Vasal,  
A.K.R.Complex,  
Sivagangai - 630 561.

+1 CC TO MR.PALARAMASAMY, ADVOCATE, SR NO.18785

+1 CC TO MR.K.APPADURAI, ADVOCATE, SR NO.18691

vsn

MAS/MR:19.04.2017:3P-7C

W.P (MD) No.4829 of 2017  
and  
W.M.P (MD) Nos.3857 and  
3858 of 2017

28.03.2017