



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.09.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.4949 of 2016

S.Perumal

..Petitioner

vs

1.The General Manager,
State Bank of India,
College Road,
Nungambakkam,
Chennai.

2.The Branch Manager,
State Bank of India,
Kannamangalam Branch,
Thiruvannamalai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to consider the Petitioner's Representation dated 14.11.2015 within a stipulated period.

For Petitioner : Mr.K.Rajasekaran

For Respondents : Mr.S.Sethuraman

O R D E R

The relief sought for in this writ petition is for a direction to direct the second respondent to consider the representation submitted by the writ petitioner on 14.11.2015 within a stipulated period.

2.The grievance of the writ petitioner is that the fixed deposit amount has not been repaid to him. The learned counsel appearing for the respondents states that the petitioner borrowed loans from the Bank and not repaid the dues. The petitioner is a defaulter. The jewel loan obtained by the writ petitioner had not been cleared and the jewels pledged were auctioned by way of a public auction. The amount of loan was adjusted and the balance amount was credited in the other loan account.



3.This Court is of an opinion that these contractual obligations arising on account of certain transactions of loan can never be adjudicated in a writ proceeding. If at all, the writ petitioner is aggrieved from and out of the actions of the respondents, the petitioner is at liberty to approach the competent forum for the purpose of redressal of his grievances. This Court cannot adjudicate the contractual obligations in the present writ petition. Even for issuing a direction to consider the representation, the writ petitioner has to establish a legal right. In the present writ petition, the writ petitioner has not established even a semblance of legal right, so as to consider the relief as such sought for in this writ petition.

4.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

kak/sni

To

1.The General Manager,
State Bank of India,
College Road,
Nungambakkam,
Chennai.

2.The Branch Manager,
State Bank of India,
Kannamangalam Branch,
Thiruvannamalai District.

+1cc to Mr.K.Rajasekaran, Advocate, S.R.No.65655
+1cc to Mr.S.Sethuraman, Advocate, S.R.No.65603

W.P.No.4949 of 2016

CP(CO)

rrs 12/10/2018