



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN
W.P.(MD) No.17934 of 2018
and
W.M.P.(MD)No.15817 of 2018

S.Silamburaj

... Petitioner

vs.

The Joint Registrar/
Official Liquidator,
No.28, Madurai Urban Co-operative Bank(Liquidated),
Madurai. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorari calling for the records pertaining to the impugned notice dated 07.06.2018 issued by the respondent and quash the same as illegal.

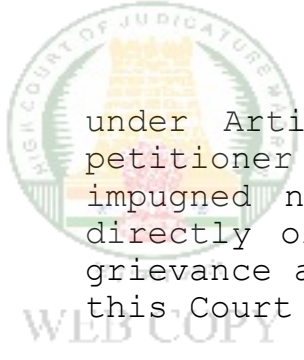
For Petitioner : Mr.K.Kannan

O R D E R

It appears that the petitioner's grandmother had obtained a loan of Rs.10,00,000/-(Rupees Ten Lakhs only) from the respondent Bank and for which, the house property belonging to her was given as a collateral security by way of deed of mortgage in favour of the respondent Bank. The petitioner's grandmother died and subsequently, the property came into possession of the petitioner's mother and after that, it came into the possession of the petitioner.

2. According to the petitioner, some amount has been paid towards the discharge of the loan availed by the petitioner's grandmother. Notwithstanding the amount paid, the petitioner is issued with notice dated 07.06.2018 from the respondent Bank, which was addressed to his grandmother and his mother directing them to pay a sum of Rs.31,32,301/-(Rupees Thirty One Lakhs Thirty Two Thousand Three Hundred and One only) towards the arrears of loan amount as on 31.05.2018. The said communication is put to challenge in this writ petition.

3. Since the issue involved is one of the property transactions between the petitioner and the respondent Bank, the same cannot be a subject matter of adjudication before this Court



under Article 226 of the Constitution of India. In case, the petitioner has any grievance regarding the amount claimed in the impugned notice, it is always open to him to approach the Bank directly or approach the competent legal forum for redressing his grievance and it is certainly not open to the petitioner to approach this Court by invoking its extraordinary jurisdiction.

4. Therefore, this Court is of the considered view that the Writ Petition is not maintainable and therefore, the same is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/
Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar (CS-II)

To:
The Joint Registrar/
Official Liquidator,
No.28, Madurai Urban Co-operative Bank(Liquidated),
Madurai.

W.P. (MD) No.17934 of 2018
13.08.2018

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