



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE V. PARTHIBAN

W.P. (MD) No.20277 of 2018

and

W.M.P. (MD) No.18045 of 2018

K.Rajalakshmi

... Petitioner

vs.

The Authorized Officer
IDBI Bank
Thenkasi Branch
Kutralam Road
Thenkasi-627 811
Tirunelveli District

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari to call for the records pertaining to the impugned sale notice dated 07.09.2018 of the respondent and quash the same as illegal.

For Petitioner : Mr.R.Alagumani
For Respondent : Mr.Pala.Ramasamy

O R D E R

From the materials and the pleadings as disclosed in the affidavit and the documents filed in support of the writ petition, it appears that the petitioner has borrowed some amount towards running of her business and defaulted in repayment of the loan, which she had obtained from the respondent - Bank.

2. In view of the default in repayment of the loan, the respondent - Bank has rightly issued a notice calling for payment of the arrears of repayment and also directed for e-auction of the commodities under their custody towards realization of the amount due to the Bank. The said notice, dated 07.09.2018, is put to challenge in this writ petition.

3. This Court is of the considered view that the petitioner cannot invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India for settlement of dispute



in regard to discharge of loan, which she had obtained from the respondent - Bank. It is always open to the petitioner to approach the appropriate legal Fora or the Civil Court to workout her remedy and it is certainly not open to her to approach this Court and invoke its writ jurisdiction.

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4. For the above said reasons, this Court is of the view that the writ petition is not maintainable and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(A.S.)

/True Copy/

Sub Assistant Registrar(CS II)

krk

1CC TO MR PALA. RAMASAMY, ADVOCATE SR 86357

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