



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.20280 of 2018

and

W.M.P. (MD) Nos.18049 & 18050 of 2018

R.Kalimuthu

... 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 e.auction notice dated 03.09.2018 published in the daily vernacular news paper Indian express dated 03.09.2018 and quash the same as illegal.

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

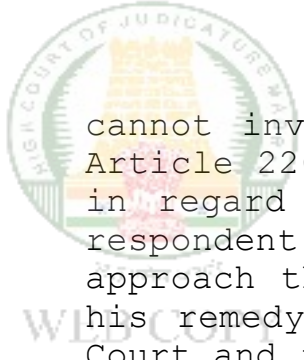
O R D E R

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 his business and defaulted in repayment of the loan, which he 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 03.09.2018, is put to challenge in this writ petition.

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

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 he 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 his remedy and it is certainly not open to him to approach this Court and invoke its writ jurisdiction.

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 petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar (CS-I)

+ 1 CC TO Mr.PALA RAMASAMY, ADVOCATE IN SR No. 86356

KRK
TE/SKN/SAR-1 : 12/10/2018 : 2P/2C

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