



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2019

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.23092 of 2019

Dr.S.Sampathkumar

.. Petitioner

Versus

1. The Assistant General Manager,
State Bank of India,
Erode Main Branch,
D-4, State Bank Road,
Erode 638 001.

2. The Chief Manager,
State Bank of India,
Erode Main Branch,
D-4, State Bank Road,
Erode 638 001.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to consider the representation of the Petitioner dated 23-10-2018 and dispose of the same within a time frame.

For Petitioner : Mr.T.M.Hariharan

For Respondents : Mr.T.Ramasamy

ORDER

(Order of the court was made by Dr.VINEET KOTHARI, J.)

The Petitioner/Borrower, Dr.S.Sampathkumar has filed this Writ Petition with the prayer that the Respondent, State Bank of India, Erode may be directed to consider the representation of the Petitioner dated 23.10.2018 to repay the excess amount alleged to have been paid by the Petitioner to the Bank while squiring up the Housing Term Loan Account.

2. Upon issuance of notice, the Respondent Bank, has filed counter in the Writ Petition claiming, on the contrary, that there is no question of refund of excess amount due to the



Petitioner/Borrower, but on the other hand, the Petitioner/Borrower still owes some amount to the Bank. In Para 11 of the Counter Affidavit dated 10.9.2019 filed before this court, the Respondent-Bank has stated that a sum of Rs.1,88,644.61 is due from the Petitioner to the Bank to close the loan account in question.

3. Having heard the learned counsel for the parties, we are satisfied that upon such disputed questions of facts, arising in pursuance of the loan transaction, the Writ Petition cannot said to be the appropriate remedy under Article 226 of the Constitution of India. Therefore, we are of the view that the Petition is misconceived. The petitioner is relegated to avail his remedy before the DRT or any other appropriate Authority like Ombudsman in RBI, in accordance with law.

4. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Assistant General Manager,
State Bank of India,
Erode Main Branch,
D-4, State Bank Road,
Erode 638 001.
2. The Chief Manager,
State Bank of India,
Erode Main Branch,
D-4, State Bank Road,
Erode 638 001.

+2cc to Mr.T.Ramasamy, Advocate, S.R.No.95405

W.P.No.23092 of 2019

NRL(CO)
CS/08/01/2020