



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2019

CORAM:

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.31676 of 2019

PNR Ganesan

... Petitioner

Vs

Andhra Bank Ltd
Rep. by its Manager
Having its branch at
12-C, EB Office road
Mogappair East, Mogappair
Chennai - 600 037.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, directing the respondent to rectify the loan account of the petitioner by crediting the amount due through the Central Scheme for Industrial Subsidy, for loan amount disbursed during the period October 2006 to April 2009 in the petitioner's loan account No.132130031000119.

For Petitioner : Mr.M.K.Viswanath

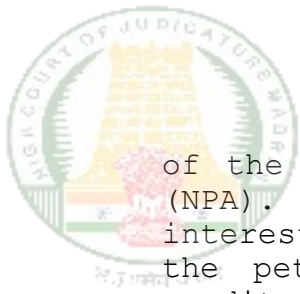
ORDER

[Order of the Court was made by Dr.VINEET KOTHARI, J]

The petitioner approached this Court with the following prayer:

".... directing the respondent to rectify the loan account of the petitioner by crediting the amount due through the Central Scheme for Industrial Subsidy, for loan amount disbursed during the period October 2006 to April 2009 in the petitioner's loan account No.132130031000119....."

2. The learned counsel for the petitioner submitted before us that after the reply filed by the petitioner on 27.06.2019 to the notice under Section 13(2) of the SARFAESI Act, the account



of the petitioner has been declared as 'Non Performing Assets' (NPA). Further, it is submitted that as far as the question of interest subsidy is concerned on the educational loan given to the petitioner, the interest subsidy has not been correctly credited in the account of the petitioner and vide paragraph 4 of the communication dated 03.10.2019, addressed to the petitioner by the respondent bank, it has been stated by the respondent that the circular issued by IBA, implementation or extension of the benefits under the said scheme are all well maintained and duly followed, which is factually incorrect.

3. Having heard the learned counsel for the petitioner, we are satisfied that such issue of notice cannot be challenged in the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. Therefore, the petitioner shall once again make a representation to the respondent bank to bring out the facts before them regarding the manner in which the mistake is committed by the respondent on the said account. Such issue can be sorted out by the respondent bank itself. Thereafter against any measures taken by the Bank, if any, the petitioner has a remedy before the DRT. Therefore, this writ petition is misconceived.

4. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

+1cc to Mr.M.K.Viswanath, Advocate Sr.93965

W.P.No.31676 of 2019

vg I[co]
srg 13/01/2020