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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.07.2020
CORAM
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
W.P.(MD)No.7754 of 2020

P.Thangapandian ... Petitioner

Vs.

1.The Manager
(Banking Ombudsman)
C/o.Reserve Bank of India
Fort.St.Glacis
Chennai 600 001

2.Notal Officer
Kotak Mahindra Bank
Kotak Infinity, 5th Floor
Zone II, Building No.21
Infinity Park
General Ak, Vaidya Marg
Malade, Mumbai 400 097

3.The Branch Manager
Kotak Mahindra Bank
Retail asset,
Ist Floor 1-A
West Perumal Maistry Street
Madurai ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to issue N.O.C. (No Objection Certificate) in favour of the petitioner on the basis of petitioner's representation dated 14.02.2020.

For petitioner : Mr.P.Jeyasankar

* * *

O R D E R

Heard the learned counsel appearing for the petitioner.

2.The petitioner appears to have availed loan from the Kotak Mahindra Bank for purchasing a vehicle. The petitioner states that he had cleared all the dues except over due charges. The petitioner approached the third respondent for issuance of No Objection Certificate. Since the third respondent has not responded to the petitioner's request, this writ petition came to be filed.

3.I expressed my view with regard to the maintainability of writ petition. The petitioner wanted to rely on the order dated 22.10.2018 made in W.P(MD).No.23059 of 2018. That case involved in Indusind Bank. In the said writ petition, the order passed by the

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Banking Ombudsman was under challenge.

4.In the case on hand, the banking ombudsman has been made as a party. But, his order or proceeding is not under challenge. The petitioner seeks relief only against the third respondent namely the Kotak Mahindra Bank. The said Kotak Mahindra Bank is not a Nationalized Bank. The Hon'ble Supreme Court in the decision reported in ***(2003) 10 SCC 733 (Federal Bank Vs.Sagar Thomas)*** held that a writ petition is not maintainable against a private bank.

5.Therefore, I have to necessarily dismiss the writ petition as not maintainable. I make it clear that I have not gone into the rights of the petitioner. It is left open to the petitioner to work out his rights in the manner known to law.

6.With the above observation, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

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