

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.1664 of 2020

M/s.Sri Bannari Amman Fresh Fruit
Running the business under the trade name
M/s.Kovai Pazhamudir Nilayam,
rep. by its Partner N.Swetha Reddy,
No.56/21, Ground Floor, I Avenue,
Shastri Nagar, Adyar,
Chennai - 600 020. ... Petitioner

Vs

Union Bank of India,
rep. by its Chief Manager,
Chamiers Road Branch,
No.67, Chamiers Road,
Chennai - 600 018. ... Respondent

Petition filed under Article 226 of the Constitution of India
praying for issue of Writ of Certiorarified Mandamus calling for
the records of the respondent bank culminating in passing the
impugned communicated dated 13.12.2019 forfeiting its deposit
money and quash the same as illegal and consequently directing
the respondent bank to return back the sum of Rs.1,50,00,000/-
(Rupees One Crore and Fifty Lakhs only) together with interest @
8% per annum to the petitioner.

For Petitioner : M/s.Muthumani Doraisami

For Respondent : Mr.N.Venkateswaran

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

This is another of the frivolous petitions seeking a mandamus on the respondent bank for the Court to force a settlement down the throat of the bank. It is elementary that in respect of commercial transactions between a bank and its constituent, the Court has little role to play. There is no doubt that the writ petitioner is a defaulter and this extraordinary jurisdiction has been invoked with the ulterior motive and oblique purpose to delay the realisation of the just dues of the bank.

2. Further, the writ petitioner can defend any proceedings brought under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993 before the appropriate tribunal or it is also open to the writ petitioner as a debtor to invoke Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 upon the secured creditor taking measures under Section 13(4) of the Act of 2002.

3. In view of there being efficacious alternative remedies available to the writ petitioner, including instituting a suit as long as it is not barred by Section 34 of the Act of 2002, the writ petition is not entertained.

W.P.No.1664 of 2020 is dismissed. Consequently, W.M.P.No.1942 of 2020 is closed. There will be no order as to costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

bbr

To:

The Chief Manager,
Union Bank of India,
Chamiers Road Branch,
No.67, Chamiers Road,
Chennai - 600 018.

WEB COPY

+1 cc to Mr.N.Venkateswaran Advocate sr9045
+1 cc to Mr.Muthumani Doraisamy Advocate sr8722

W.P.No.1664 of 2020

aa25/02/2021



WEB COPY