

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.06.2021

Coram

The Honourable Mr.Justice V.PARTHIBAN

W.P.No.12207 of 2021

Mrs.K.Renuka

...Petitioner

Versus

1. The Managing Director,
REPCO Bank
Repco Towers, No.33,
North Usman Road,
T.Nagar,
Chennai - 600 017.

2. The Branch Manager,
Repco Bank,
No.165, G.A.Road,
Tondiarpet Branch,
Chennai - 600 021.

...Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to consider the proposal for ONE TIME SETTLEMENT of a sum of Rs.50,00,000/- (Rupees Fifty Lakh only) for the loan in SDL No.1073 on the file of the second respondent-Bank based on the petitioner's representation dated 03.10.2020.

For Petitioner : Mr.K.Kannan

For Respondents: Mr.D.Sajeev Kumar,
Special Government Pleader

O R D E R

This writ petition has been filed to issue a writ of mandamus directing the respondents to consider the proposal for ONE TIME SETTLEMENT of a sum of Rs.50,00,000/- (Rupees Fifty Lakh only) for the loan in SDL No.1073 on the file of the second respondent-Bank based on the petitioner's representation dated 03.10.2020.

2. The petitioner claims herself to be a widow whose husband has recently passed away. According to the petitioner, while her husband was alive, he had obtained a

loan amount of Rs.67,00,000/- from the second respondent bank for the development of his Pawn Broker Shop. The petitioner's husband had mortgaged his residential property as a collateral security for the loan availed by him. Thereafter, the petitioner's husband died on 05.02.2019. It appears that the petitioner made a request to the second respondent for One Time Settlement (OTS). Despite several request in this regard, finally, the second respondent Bank issued a Reply Letter on 12.10.2020, rejecting the request of the petitioner for One Time Settlement. As against the same, the present writ petition has been filed by the petitioner.

3. The loan sanctioned between the petitioner's husband and the second respondent Bank is entirely a private affair covered by agreement between the parties. The public law remedy under Article 226 of the Constitution of India, certainly cannot be made available for settlement of private dispute between the petitioner and the second respondent Bank. Particularly, the second respondent Bank is a private establishment, against which, no writ would lie.

4. Moreover, this Court is of the opinion that the writ jurisdiction cannot be converted to facilitate in negotiating the loan transaction as between the petitioner and the second respondent Bank and a private dispute of the present nature, cannot be brought with the realm of public law remedy.

5. Therefore, this Court is not inclined to entertain this writ petition and accordingly, this writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar (CS-V)

//True copy//

सत्यमेव जयते
Sub Assistant Registrar

gsk/mrr

To

1.The Managing Director,
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2.The Branch Manager,
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+1cc to Government Pleader SR.No.27545

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JPL (CO)
GMY (13/07/2021)



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