



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 08.06.2021

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN

Writ Petition No.12446 of 2021

R.Boomiraj

... Petitioner

Vs.

- 1.The Branch Manager,
Bank of India,
Vellalore Branch, Vellalore,
Coimbatore - 641 111.
- 2.The Zonal Manager,
Bank of India,
Coimbatore Zonal Office,
324, Star House,
Oppanakara Street, Coimbatore - 641 001.
- 3.The Chairman,
Head Office,
Bank of India, Star House,
C-5, "G" Block,
Bandra Kurla Complex,
Bandra (East),
Mumbai - 400 051.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of Mandamus directing the respondents to consider and dispose of the petitioner's representation dated 15.05.2021 made to the respondent on merits and in accordance with law and also considering the prevailing lock down due to Covid - 19 Pandemic and Reserve Bank of India notifications relating to EMIs within the time frame by affording an opportunity being heard to the petitioner.

For Petitioner : No appearance



ORDER

The matter is taken up through web hearing

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The case of the petitioner is that he has borrowed loan from the respondent Bank and as on date there is outstanding loan amount to the tune of Rs.5,59,082.85. According to the petitioner, he has been prompt in making monthly EMIs but recently due to pandemic crisis, the payments could not be made.

2. In the above circumstances, the petitioner appears to have made a representation recently only on 15.05.2021 requesting the Bank to consider the guidelines issued by the Reserve Bank of India due to Covid - 19 situation in the Country and an opportunity would be given to him of being heard before any decision is taken by the respondent Bank.

3. From the above factual narrative, it could be seen that the petitioner has submitted representation only very recently on 15.05.2021 and without giving sufficient and reasonable time to the respondent/bank to respond, the petitioner has filed this Writ Petition on 01.06.2021 itself. Moreover, a preemptive mandamus cannot be issued without knowing the response of the respondent Bank and this Court's intervention, at this stage, is totally unwarranted and uncalled for. The petitioner ought to have waited for reasonable time before approaching this Court. Unless and until the petitioner is faced with any adverse reaction from the respondent bank, it is not open to the petitioner to approach this Court with the present prayer.

4. Accordingly, the writ petition is not maintainable and the same stands dismissed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mrm



To

1.The Branch Manager,
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Coimbatore - 641 111.

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+1CC to Mr. R. Krishnamurthy Advocate SR No.27592

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VG-II (CO)
PR (15/07/2021)