



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.6552 OF 2014

AND

M.P.NO.1 OF 2014

Thenmozhi

... Petitioner

Vs

1. The Assistant General Manager,
Regional Business Office,
State Bank of India,
Serangapalayam, Selam - 630 007.

2. The Branch Manager,
State Bank of India,
Harur Branch, Harur,
Dharmapuri District.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to deliver / return the gold ornaments measuring 104 grams to the Petitioner without insisting any other records, formality by considering the Petitioner's representation dated 27.05.2013, consequently direct respondents to return to petitioner the extra interest money 5.45 % paid to bank, along with 7 % interest money as cost for unauthorizedly keeping the gold ornaments measuring 104 grams in Bank.

For Petitioner	: Mr.I.Arockia Selvaraj
For Respondents	: M/s.Karupaga Valli
	For Mr.C.P.R.Kamaraj
	[For R1 and R2]

O R D E R

The relief sought for in the present writ petition is to direct the respondents to deliver / return the gold ornaments measuring 104 grams to the Petitioner without insisting any other records, formality by considering the Petitioner's representation dated 27.05.2013 and to direct the respondents to



return to petitioner the extra interest money 5.45 % paid to bank, along with 7 % interest money as cost for unauthorizedly keeping the gold ornaments measuring 104 grams in Bank.

2. Admittedly, the petitioner availed the jewel loan facility and also Educational loan.

3. The learned counsel for the respondent-Bank made a submission that the issues relating to the loan are settled.

4. However, the learned counsel for the petitioner made a submission that the Bank collected additional interest over and above the interest stated in the loan conditions.

5. This Court is of an opinion that such terms and conditions of the loan cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. When the petitioner claims that excess interest has been charged and the Bank denies the same, it is for the parties to approach the competent Forum for the purpose of adjudication of these disputes. Thus, the petitioner is at liberty to adjudicate the issues for the purpose of redressing the grievances, if any exists. However, the relief as such for cannot be granted in the present writ petition and consequently, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Assistant General Manager,
Regional Business Office,
State Bank of India,
Serangapalayam, Selam - 630 007.
2. The Branch Manager,
State Bank of India,
Harur Branch, Harur,
Dharmapuri District.

W.P.No. 6552 of 2014

PL(CO)

RLP(20/12/2021)