



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.20498 of 2021

S.Chandrasekaran

...Petitioner

Vs.

1.The Managing Director
Indian Overseas Bank
No.763, Anna Salai
Chennai 600 002.

2.The Zonal Manager
Indian Overseas Bank
Chennai Zone
No.763, Anna Salai
Chennai 600 002.

3.The Regional Manager
Indian Overseas Bank
Regional Office (Chennai II)
No.763, Anna Salai
Chennai 600 002.

4.The Chief Manager
Indian Overseas Bank
Arumbakkam Branch
1063, EVR Periyar High Road
Arumbakkam, Chennai 600 106.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to apply the applicable interest for Rs.87,00,000/- from 13.02.2014 to 22.01.2016 and pay the same to the petitioner.

For the Petitioner : Dr.R.Sampathkumar

ORDER

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

The petition is utterly misconceived.



2. The claim in the petition is for interest to be credited to the petitioner between the period February 13, 2014 and January 22, 2016 by the respondent bank.

3. Since it is evident that the claim is not admitted, and disputed questions would arise as to the entitlement which will require complex accounts to be gone into, the Writ Court is not the appropriate forum to entertain the grievance. In the event there is no proceedings instituted by the respondent bank pending against the petitioner in any Tribunal, the remedy available to the petitioner, subject to limitation, may be pursued by way of a civil suit.

4. The Writ Court does not entertain money claims made by a constituent against the banker for the perceived failure of the banker to credit interest for any period. In any event, the period referred to in the petition is more than five years before the date of the filing of the petition. Strictly speaking, the prescription of limitation may not apply to proceedings in this jurisdiction; but a Writ Court cannot issue a veritable money decree in respect of a claim, the enforcement whereof may otherwise be barred by limitation.

5. Accordingly, WP No.20498 of 2021 is dismissed with liberty to the petitioner to approach the appropriate forum in accordance with law. There will be no order as to costs.

Sd/-
Assistant Registrar (CS-III)

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Sub Assistant Registrar

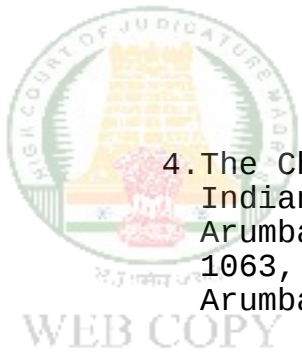
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To

1.The Managing Director
Indian Overseas Bank
No.763, Anna Salai,
Chennai-600002

2.The Zonal Manager
Indian Overseas Bank
No.763, Anna Salai,
Chennai-600002

3.The Regional Manager
Indian Overseas Bank
No.763, Anna Salai,
Chennai-600002



4.The Chief Manager
Indian Overseas Bank
Arumbakkam Branch
1063, EVR Periyar High Road
Arumbakkam, Chennai 600 106.

W.P.No.20498 of 2021

SRA(CO)
RVM(29/09/2021)