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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.14611 of 2014

M/s. Cheran Foundation Trust,
Represented by its Authorized Signatory,
Having its office at Cheran Towers,
78, Government Arts College Road,
Coimbatore 641 018.

...Petitioner

Vs.

1. Tamil Nadu Transport
Development Finance Corporation Ltd,
(A Government of Tamil Nadu undertaking)
Represented by its Chairman &
Managing Director,
Tamil Nadu Tourism Complex,
Fourth floor, 2,
Wallajah Road,
Chennai 600 002.

2. The Joint Managing Director
Tamil Nadu Transport
Development Finance Corporation Ltd,
(A Government of Tamil Nadu undertaking)
Tamil Nadu Tourism Complex,
Fourth floor,
2, Wallajah Road,
Chennai 600 002.

3. The Director,
Office of the Director of Collegiate Education,
9th Floor, EVK Sampath Buildings,
College Road,
Chennai 600 006.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the proceedings dated 12.5.2014 on the file of the second respondent and to quash the same as illegal and without jurisdiction, and to further direct



the first and second respondents to pay differential interest at 4% for the fixed deposit receipts bearing No.N501898, for the period November 2007 to June 2009 and at 10.5% per cent for the period 2009-2012.

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For Petitioner : Mr.Sunny
for Mr.V.Raghavachari

For R1 and R2 : Mr.M.Chidambaram

For R3 : Mr.C.Kathiravan
Government Advocate

O R D E R
(Through Video Conferencing)

The order, dated 12.05.2014, passed by the 2nd respondent is sought to be quashed in the present writ petition and a further direction is sought for to pay the differential interest at 4% for the fixed deposit receipts bearing No.N501898, for the period November 2007 to June 2009 and at 10.5% per cent for the period 2009-2012.

2.The very relief sought for in the present writ petition would indicate that the petitioner claims differential interest in respect of the Fixed Deposit made by him with the respondent-Finance Corporation. The nature of the dispute arose based on the terms and conditions of the contract.

3.The learned counsel for the respondent-Financial Corporation made a submission that, during the relevant point of time, there was no automatic renewal system and on production of the original Fixed Deposit Receipt, it will be renewed, if any such request for renewal is made. In the present case, the petitioner has not produced the original Fixed Deposit Receipt, nor made any request for renewal, thus the renewal was effected only after the request and on production of original.

4.However, these disputed facts cannot be adjudicated in a writ petition under Article 226 of the Constitution of India. The contractual obligations between the parties require to be resolved by approaching the competent forum or the competent Court of Law. It requires examination of documents, evidences, including oral evidence. Thus, the High Court cannot entertain a writ petition for the purpose of adjudication of such contractual obligations between the parties, more specifically, on the basis of the terms and conditions of such contract. This being the factum, the petitioner is at liberty to approach the competent forum or Court of Law for the purpose of redressal of



their grievance.

With this liberty, the writ petition stands disposed of. No costs.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mkn

To

- 1.The Chairman & Managing Director,
Tamil Nadu Transport Development
Finance Corporation Ltd,
(A Government of Tamil Nadu undertaking)
Tamil Nadu Tourism Complex,
Fourth floor,
2, Wallajah Road,
Chennai 600 002.
- 2.The Joint Managing Director,
Tamil Nadu Transport Development
Finance Corporation Ltd,
(A Government of Tamil Nadu undertaking)
Tamil Nadu Tourism Complex,
Fourth floor,
2, Wallajah Road,
Chennai 600 002.
- 3.The Director,
Office of the Director of Collegiate Education,
9th Floor, EVK Sampath Buildings,
College Road,
Chennai 600 006.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.56021
+1cc to Mr.M.Chidambaram, Advocate, S.R.No.55697
+1cc to the Government Pleader, S.R.No.56656

W.P.No.14611 of 2014

GSM(CO)
RGA(17/11/2021)