



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18280 of 2014

and

M.P.No.1 of 2014

1.Krishnavinayagam

2.Thirunavukkarasu

3.Thirugnanamoorthy

4.Thirulogachandar

...Petitioners

Vs.

The Branch Manager,
State Bank of India,
Thiruppapuliyur Branch,
No.7-B, Imperial Road,
Thiruppapuliyur,
Cuddalore-607 002.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, call for the records and quash the demand notice dated 03.04.2014 issued by the respondent and consequently holding that the loan Nos. i)30392403612 - Rs.42,030/-, ii)30254406688 -Rs.42,042/-, iii)30345380543 - Rs.21,015/-, iv)30283859261 - Rs.1,05,105/-, v)30448793665 - Rs.9,691/-, vi)30305695903 - Rs.90,000/-, vii)30274970325 - Rs.46,713/-, viii) 30283859056 - Rs.42,042/- stand discharged as per Agricultural Debt Waiver and Debt Relief Scheme, 2008.

For Petitioners: Mr.D.Baskar
for M/s.R.Gururaj

For Respondent : Mr.M.L.Ganesh

O R D E R

The Demand Notice dated 03.04.2014 issued by the respondent is under challenge in the present writ petition.

2. The Demand Notice is issued on the ground that the petitioner has committed default in repayment of loan borrowed.



Such issues cannot be adjudicated in a writ proceedings as it requires verification of documents and evidences. Loans are sanctioned based on terms and conditions agreed between the parties. If any dispute arises, it is to be resolved through the Competent Forum or through the competent Court. Contrarily, such original adjudication of contractual obligations cannot be undertaken in a writ proceedings.

3. This apart, the grievances of the petitioner is that the respondent/ State Bank of India, announced a scheme for waiver of agricultural loan and the benefit was not extended to the writ petitioner. Thus, the petitioner is constrained to move the present writ petition.

4. The learned counsel appearing on behalf of the respondent /Bank disputed the said contention by stating that, no doubt, the scheme for waiver was announced in the year 2008, and as per the scheme, the petitioner ought to have cleared 75% of the loan, which is a pre-condition for granting benefit of waiver. However, in the present case, the petitioner have not complied with the terms and conditions and therefore, the petitioner is not entitled for the scheme, which was introduced in the year 2008. Further, the writ petition itself is filed after a lapse of about 6 years from the implementation of the scheme and thus, the petition is to be rejected.

5. This Court is of the considered opinion that the High Court cannot decide these kind of issues on certain misplaced sympathy. Loans are granted from and out of the public money by the Nationalized Banks. Thus, the investors interest is also involved.

6. Further, it is a contractual obligation between the parties, while considering the cases on misplaced sympathy, Courts are bound to be borne in mind that the money, which involved is a public money and any such misplaced sympathy would cause greater prejudice to the public interest and the power of judicial review under Article 226 is not meant for such exercise. Thus, pleading innocence or poverty or otherwise cannot be a ground in such circumstances and more specifically, when the issue relates to contractual obligations. If at all any such waiver of interest is to be granted, it must be only by approaching competent authority, who all are empowered to exercise their powers to an extent permissible under the guidelines or regulations of the Bank.

7. This being the principles to be followed, the writ petition filed challenging such demand notices, undoubtedly, are not entertainable and keeping such writ petitions pending for years together in the High Court is also not preferable. This Court is of an opinion that keeping the writ petition pending



for years together may cause prejudice and giving unnecessary hope for such litigation should be averted in all circumstances and therefore, this Court is not inclined to consider the relief as the petitioner has not established even a semblance of legal right.

8. With these observations, the Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Jeni/Nti

To

The Branch Manager,
State Bank of India,
Thiruppapuliyur Branch,
No.7-B, Imperial Road,
Thiruppapuliyur,
Cuddalore-607 002.

W.P.No.18280 of 2014

PL(CO)
RGA(03/12/2021) (27/12/2021)