

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.17782 of 2020

D.Ramesh .. Petitioner

Vs

- 1 The District Collector
Office of the District Collector
Vellore.
- 2 Equitas Small Finance Bank Limited
Rep. by its Authorised Officer
4th Floor, Fase II, Spencer Plaza
No.769, Mount Road
Anna Salai, Chennai - 600 002.
- 3 Equitas Small Finance Bank Limited
Rep. by its Branch Manager
New Bypass Road, Vellore. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 09.10.2020 seeking time for repayment of loan amount to the 2nd respondent within a reasonable time.

For Petitioner : Mr.T.Meganathan

For Respondent : Ms.R.J.Radhika
Government Advocate
for 1st respondent

Mr.A.Damodaran
for respondents 2 and 3

ORDER

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

This is another of the utterly misconceived writ petitions filed by a defaulting debtor to stall the realisation of the dues of the creditor. Specious grounds have been carried to this Court in this extraordinary jurisdiction to complain of inadequate notice, non-consideration of response and even seeking for a mandamus to command the bank to accede to a one-time settlement that suits the debtor.

2. No adjudication of the kind that the petitioner invites this Court to undertake can be taken up by a Writ Court on affidavit evidence in summary proceedings. At any rate, the governing statutes provide a specialised forum to deal with such matters and the writ petitioner ought to have carried the grievances to the appropriate Debts Recovery Tribunal or its appellate body.

3. Since the matters complained of cannot be addressed in this jurisdiction as they involve disputed questions of fact and since an efficacious alternative remedy was available to the petitioner ahead of this jurisdiction, the writ petition is not entertained and the petitioner is left to work out his remedies in accordance with law.

W.P.No.17782 of 2020 is dismissed without any order as to costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

The District Collector
Office of the District Collector
Vellore.

+1cc to Mr.E.Sathiyaraj, Advocate SR.NO.7899
+1cc to Mr.A.Damodaran, Advocate SR.NO.7787

AKM/26.02.21/ 2P-4C/

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