



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.23146 OF 2021

Hemamalini

... Petitioner

-Vs-

1 The Managing Director  
The Tamilnadu Industrial Cooperative Bank Limited  
Thalamuthu Natarajan Building  
No.1, Gandhi Irwin Road, Egmore, Chennai-8.

2 The Branch Manager  
The Tamilnadu Industrial Cooperative Bank Limited  
9, Peramanur Main Road, Fouor Roads, Salem.

3 The Sales Officer / Auction Officer  
District Industries Centr  
Omalur Main Road, SIDCO Industrial Estate  
Narasothipatti, Salem, Tamil Nadu 636 004.

... Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to furnish the statement of loan account of the petitioner within a time frame as fixed by this Hon'ble Court and consequently direct the respondents to extend the period for payment of the actual balance amount.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.A.Selvendran,  
Govt.Advocate-for RR 2 &3

O R D E R

This writ petition has been filed for the issue of a writ of Mandamus directing the first and second respondents to furnish the statement of account to the petitioner within a time frame



fixed by this Court.

2. The case of the petitioner is that, the first respondent had sanctioned a loan in the year 2014 and security was created by depositing title deeds. There was some default in the payment of the loan amount and hence steps were taken by the respondents to bring the property for sale. An auction notice was issued in this regard and the same became the subject matter of challenge before this Court in W.P.No.11200 of 2021.

3. When the matter was taken up for hearing, this Court took into consideration the offer made by the petitioner to repay back the amount the respondents. Considering the offer made by the petitioner, this Court disposed of the writ petition by an order dated 05.05.2021 directing the petitioner to make payment to the satisfaction of the bank and show her bonafides.

4. The grievance of the petitioner is that she is not aware about the total amount that is due and payable to the respondent bank and hence she had sent a sum of Rs.3,50,000/- on 07.05.2021 to the respondent bank and sought for four weeks time for repayment of balance amount. Even on receipt of the same, the respondent bank does not seem to have responded to the petitioner and given the statement of account to the petitioner. According to the petitioner, the respondent bank is demanding an exorbitant sum of Rs.20 lakhs from the petitioner. A legal notice was also issued by the petitioner in this regard and the same also did not evoke any response. Left with no other alternative, the petitioner has filed the present writ petition with the aforesaid prayer.

5. Heard Mr.R.Nalliyappan, learned counsel for the petitioner and Mr.A.Selvendran, learned Government Advocate appearing for the respondents.

6. In the considered view of this Court, the relief as sought for by the petitioner cannot be granted by this Court. This Court, exercising its extraordinary jurisdiction under Article 226 of the Constitution of India cannot be acting as an agent for the purpose of collecting documents from an authority and handing it over to the petitioner. This Court cannot bring the stature of the writ jurisdiction to that level. This is an extraordinary jurisdiction exercised by this Court and it cannot be exercised for satisfying frivolous claims.

7. In the considered view of this Court, if the petitioner is willing to repay back the loan amount with interest, it is always open to the petitioner to file a suit for redemption. When such a suit is filed, the respondents are going to come before the Court and either contest the case or permit the



petitioner to repay back the entire loan. When it is contested, automatically the respondents will have to furnish all the details. Therefore, when the petitioner has an efficacious alternative remedy to work out before the appropriate forum, the petitioner cannot be allowed to knock the doors of this Court and make this Court exercise its extraordinary jurisdiction under Article 226 of the Constitution of India.

8. Except giving this clarity, no further orders can be passed in this writ petition. This writ petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

KST

To

- 1 The Managing Director  
The Tamilnadu Industrial Cooperative Bank Limited  
Thalamuthu Natarajan Building  
No.1, Gandhi Irwin Road, Egmore, Chennai-8.
- 2 The Branch Manager  
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9, Peramanur Main Road, Fouor Roads, Salem.
- 3 The Sales Officer / Auction Officer  
District Industries Centr  
Omalur Main Road, SIDCO Industrial Estate  
Narasothipatti, Salem, Tamil Nadu 636 004.

+1cc to the Government Pleader, S.R.No.56178

W.P.No.23146 of 2021

SJ(CO)  
PM/17/11/2021