



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No. 26848 of 2021

K.S.Raja

... Petitioner

Vs.

1. City Bank NA
Acropolis
New Door No.148, Old Door No.68
Dr. Radhakrishnan Salai
Mylapore, Chennai - 600 004.

2.Reserve Bank of India
Fort Glacis, No.16
Rajaji Road
Chennai 600 001.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the first respondent from illegally /intimidatingly demanding any sums / monetary claim from the petitioner, arising under his credit card account number 4386 200 2694 9176, except by due process of law.

For Petitioner : Mr.P.Karl Marx

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus forbearing the first respondent from illegally /intimidatingly demanding any sums /monetary claim from the petitioner, arising under his credit card account number 4386 200 2694 9176, except by due process of law.

2. Since no adverse order is passed against the respondents, notice to them is not necessary and therefore, notices to the respondents are dispensed with.

3. The case of the petitioner is that the petitioner had a credit card account with the 1st respondent and the credit facility / credit limit provided by the 1st respondent is to the extent of nearly 3.35 lakhs (approx). The petitioner has been



paying the periodicals under the credit card right from the year January 2014 until 2017. Thereafter due to sluggishness and downtrend in the economy, the petitioner could not pay certain outstanding to the 1st respondent. However, he started to pay the outstanding under this credit card. Later to his shock and surprise, he came to understand that the amount payable to the 1st respondent as claimed by them, as per their recent notice of September 2021 is to an extent of Rs.7,33,350/-. Aggrieved over the same, the present petition has been filed.

4. The learned counsel appearing for the petitioner submitted that it is true that the petitioner has availed credit facilities from the 1st respondent to the tune of Rs.3 lakhs. Though he paid the entire outstanding dues, the 1st respondent has demanded huge amount from the petitioner in violation of the statutory rules, which is not sustainable one. Since the statutory Rules are infringed, the petitioner is entitled to approach this Court for appropriate relief and prays for appropriate order of this Court.

5. This Court has carefully perused the materials available before it.

6. Though it is the case of the petitioner that the 1st respondent has demanded huge amount from him towards the credit obtained by him, this Court is of an opinion that there is an effective alternative remedy is available to the petitioner before the competent authority and thereby this Court cannot adjudicate the issue under Article 226 of the Constitution of India and therefore, the relief sought for by the petitioner cannot be granted.

7. Accordingly, this Writ Petition is dismissed. However liberty is granted to the petitioner to approach the competent authority for redressal of his grievance. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

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+1cc to Mr.P.Karl Marx, Advocate, S.R.No.67278

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AK-II(CO)
CT 31/01/2022