

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.NO.30047 OF 2019

AND W.M.P.NOS.23121 OF 2020 AND 54 OF 2020

P.Sudhakar

..Petitioner

-vs-

1. The Union Secretary,
Ministry of Finance,
Government of India,
Parliament House,
New Delhi.

2. M/s Sundaram BNP Paribas,
Home Finance,
T.Nagar Branch, G.B.Chetty Road,
T.Nagar, Chennai - 600 017.

3. M/s Sundaram BNP Paribas,
Home Finance Ltd,
Sundaram Towers,
Whites Road, Express Estate,
Royapettah, Chennai - 600 014.

4. Santhosh Kumar Shukla

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 2nd and 3rd respondents to consider the petitioner's representation dated 26.07.2019 and consequently to accept the One Time Settlement Proposal submitted by the petitioner for amicable settlement between the petitioner and the 2nd and 3rd respondent.

For Petitioner : Mr.Hari Babu

For Respondents 2 & 3 : Mr.K.J.Parthasarathy

ORDER

(Made by The Hon'ble Chief Justice)

This is another of those frivolous matters in which the Writ Court has been approached for a writ in the nature of mandamus directing the bank, even though it is a nationalised bank, to resolve its commercial dispute with its constituent in a particular manner. It is too late in the day to remind the petitioner that such authority does not vest in the Writ Court in exercise of its power under Article 226 of the Constitution.

2. There is an efficacious alternative remedy for the petitioner and the governing law recognises the same. Far too often Courts are burdened with dishonest litigants trying to dodge the debts due to banks and financial institutions by pleading to the non-existent mercy jurisdiction of the Writ Court. It is high time that such frivolous litigations are brought to an end and the dishonest debtors appropriately rewarded. The petitioner is left free to pursue the grievance before an appropriate forum in accordance with law. For the present misadventure, the writ petitioner will pay costs assessed at Rs.1 lakh to the respondent bank which the bank will be entitled to recover as an additional debt under the governing law.

W.P.No.30047 of 2019 is dismissed with costs of Rs.1 lakh. Consequently, W.M.P.Nos.23121 and 54 of 2020 also stand dismissed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Sra

To

The Union Secretary,
Ministry of Finance,
Government of India,
Parliament House, New Delhi.

+2cc to M/s.P.D.Selvaraj & D.Revathi Karthick, Advocate,
S.R.No.8831

+1cc to M/s.K.J.Parthasaraty, Advocate, S.R.No.8727

W.P.No.30047 of 2019

JP II (CO)
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