



W.P.No.29209 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 08.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29209 of 2019

V. Marimuthu

.. Petitioner

Vs.

1. The Head Manager,
Canara Bank,
Fort Main Road,
CSI School Building,
Sevapet,
Salem-636 001.

2.The District Collector,
Namakkal,
Namkkal District.

3. The Branch Manager,
Canara Bank.
Tiruchengode Branch,
Namakkal District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the loan amount of Rs.10,00,000/- to the petitioner based on the representation of the petitioner dated 03.07.2019 .



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For Petitioner : Mr. M. Senthil Kumar
For Respondents 1 & 3 : M/s. G. Lavanya
For 2nd Respondent : Mr. U. Bharanidharan
(Government Advocate)

ORDER

The petitioner has filed this petition under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the loan amount of Rs.10,00,000/- to the petitioner based on the representation of the petitioner dated 03.07.2019.

2. The case of the petitioner is that the petitioner had obtained loan of Rs.6,60,000/- from the 3rd respondent bank by mortgaging his property and the monthly instalments were paid by him regularly vide bank account No.1272883013569 and he settled the entire loan to the 3rd respondent. Further when the petitioner approached the 3rd respondent bank for another loan amount of Rs.10,00,000/- the petitioner was asked to meet one Dhanasekar who is one of the employees of the said bank. When he met said Dhanasekar, he demanded a sum of Rs.50,000/- from the petitioner if the loan amount of Rs.10,00,000/- had to be sanctioned. Hence the petitioner has filed the present Writ Petition seeking the above relief.



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3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents bank to consider the petitioner's representation dated 03.07.2019 and pass orders on the same within a particular time frame fixed by this Court .

4. The learned counsel for the petitioner further submits that though the petitioner is ready to mortgage the property worth Rs.27,00,000/- for the purpose of obtaining a loan of Rs.10,00,000/-, the respondent bank had sanctioned only a sum of Rs.2,00,000/- without perusing the valuation report of the said property. Aggrieved by the same, the petitioner had filed the present Writ petition.

4. The learned counsel on behalf of the respondents submits that after committing defaults the petitioner had repaid a loan amount of Rs.6,60,000/- which was obtained by him from the bank. Further having perused the materials available on record, the bank had sanctioned a loan of Rs.2,00,000/- to the petitioner based on the guideline value of the petitioner's



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property.

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5. Taking into consideration the fact that having perused all the materials available on record the 3rd respondent bank had sanctioned a sum of Rs.2,00,000/- to the petitioner, nothing survives for adjudication in this matter.

6. Further, it is pointed out that this Court cannot exercise its inherent jurisdiction under Article 226 of the Constitution for an affirmative direction to the respondents, as the respondent bank has already based on the materials and the past records of the petitioner, had sanctioned a loan of Rs.2,00,000/-. Therefore, sitting over the decision of the 3rd respondent bank is wholly impermissible.

7. For the aforesaid reasons, this Writ Petition is dismissed. If at all any the petitioner has any grievance, the petitioner is at liberty to make a fresh loan application before the respondents. On such application being made, the respondents shall consider the same in terms with the RBI guidelines and in accordance with law.

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To
The District Collector,
Namakkal,
Namakkal District,



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M.DHANDAPANI,J.

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