



WEB COPY

W.P.(MD)No.508 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.508 of 2021

and

W.M.P. (MD)No.437 of 2021

Vadivel

... Petitioner

Vs

1.The Authorized Officer,
Tamil Nadu Mercantile Bank Ltd.,
K.K.Nagar Branch,
Sri Sakunthala Tower,
Ground Floor, 80 Feet Road,
Madurai.

2.The Liquidator,
Sukam Powder Systems Limited,
Flat No.801, Tower 01, Kalypso Court,
Jaypee Greens Wish Town, Noida,
Gautam Buddh Nagar,
Uttar Pradesh.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's request for one time settlement and provide him sufficient time to repay the loan amount by getting his claim amount from the second respondent.

For Petitioner : Mr.T.Saravana Pandian

For Respondent :Mr.N.Dilipkumar, for R1

ORDER

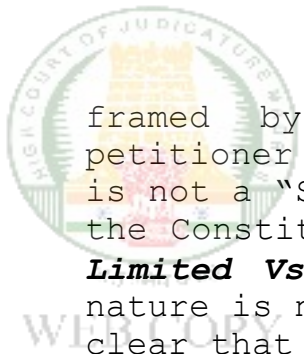
Heard the learned counsel appearing for the petitioner.

2.The petitioner claims to be the authorised dealer of one Sukam Power Systems Limited. The said company is said to have gone into liquidation.

3.The stand of the petitioner is that since the petitioner could not get his dues from the said company, he is unable to repay the loan taken from the Tamilnadu Mercantile Bank Limited. The petitioner, therefore, wants this Court to direct the first respondent to consider his request for one time settlement and also provide him sufficient time to repay the loan payment by getting his claim amount from the second respondent.

4.I am afraid that it is not for this Court to grant relief as

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framed by the petitioner. The dispute is essentially between the petitioner and the Tamilnadu Mercantile Bank Limited. TMB Limited is not a "State instrumentality" within the meaning of Article 12 of the Constitution of India as held in **(2003) 10SCC 722 (Federal Bank Limited Vs. Sagar Thomas and others)**. The Writ Petition of this nature is not maintainable. It is accordingly dismissed. I make it clear that I have not gone into the merits of the matter. The other remedies open to the petitioner are always available. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-1468[F]
dated 20/01/2021)

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NA(CO)

KK(04.02.2021) 2P 2C