



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.1013 of 2021

A.Pappathi

... Petitioner

-Vs-

- 1.The General Manager,
(Private Financial Institution)
Reserve Bank of India,
Chennai.
- 2.The General Manager,
Equitas Small Finance Bank Ltd.,
Phase II, 4th Floor, Spencer Plaza,
No.769, Anna Salai,
Chennai 600 002.
- 3.The Authorised Signatory,
Equitas Small Finance Bank Ltd.,
Batlakundu Branch,
Near Union Office,
Batlakundu,
Dindigul District.

... Respondent

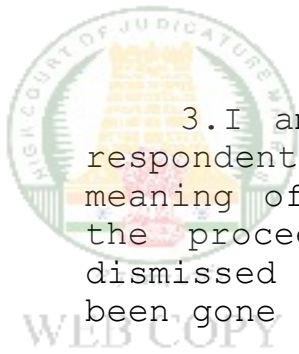
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to issue necessary direction to the respondents 2 and 3 herein to permit the petitioner to foreclose the loan agreement No.SEDNDGL0089531, executed in favour of the third respondent by permitting the petitioner to make the payment of entire loan arrear amount at one stroke under one time settlement scheme (OTS Scheme) based on the petitioner's representation dated 07.01.2021 made to the first respondent herein.

For Petitioner : Mr.K.Kannan

ORDER

Heard the learned counsel appearing for the petitioner.

2.The petitioner had borrowed loan from the Equitas Small Finance Bank Limited. The petitioner was unable to repay the loan. The petitioner now wants to enter into one time settlement. The grievance of the petitioner is that the financier is insisting on paying the entire loan arrears. Therefore, the petitioner wants this Court to issue direction to the said company.



3.I am afraid that the writ petition is misconceived. The respondent Bank is not a "State Instrumentality" within the meaning of Article 12 of the Constitution of India. Therefore, the proceedings cannot be maintained. The Writ Petition is dismissed as not maintainable. The petitioner's right have not been gone into. They are left open. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.

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