



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2139 of 2021

Anandhaselvi

... Petitioner

Vs

1.The Officer In charge, Reserve Bank of India,
Term Loan Division, Kamarajar Salai,
Chennai.

2.The Managing Director,
IDFC First Bank Limited,
8th Floor, A Wing,
Asher IT Park, Wagle Estate,
Thane-West Mumbai-400 604.

3.The Officer In-charge,
Registered Office, IDFC First Bank Limited,
KRM Tower, 7th Floor, No.1, Harrington Road,
Chetpet, Chennai-600031.

4.The Branch Manager,
79/2, 1st Floor, By-pass Road,
Next to Rathina Hospital,
Madurai-625 010.

... Respondents

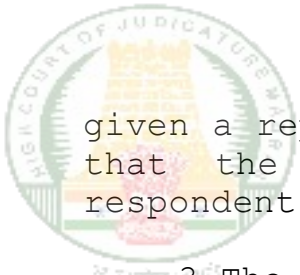
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent to direct the 4th Respondent to consider the petitioner's representation dated 20.11.2020 within a period of stipulated time as fixed by this Court.

For Petitioner : Mr.Prasanna Raja Durai
for Mr.S.Muthalraj

ORDER

Heard the learned counsel appearing for the petitioner.

2.The case of the petitioner is that her father had availed loan from the IDFC Bank and that her mother appeared to have guaranteed the transaction. Both the parents are now no more. The account has been treated as non performing asset and the Bank has initiated proceedings under SARFAESI. The petitioner has



given a representation in this regard to the fourth respondent and that the petitioner wants this Court to direct the third respondent to consider the same.

3. The issue on hand relates to private contractual dispute. Therefore, the petitioner has to necessarily avail statutory remedies and not invoke the writ jurisdiction of this Court. If the respondent Bank had initiated proceedings under SARFAESI Act, the petitioner can certainly move the Debt Recovery Tribunal because she is now the aggrieved party. Therefore, leaving open the petitioner's rights and the remedies available to her under the statute, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(AD-I)

// 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.

+1 CC to M/s.NA.PALANI YANDI, Advocate (SR-3699
[F] dated 08/02/2021)

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DKS(CO)

TR(22.02.2021) 2P 2C