



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

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W.P. (MD) No.3359 of 2021
and
W.M.P. (MD) No.2715 of 2021

P.Ganapathy

.. Petitioner

Vs

The Branch Manager,
Tamilnadu Industrial Investment Corporation Ltd.,
(Sponsored by the Government of Tamilnadu),
KRT.Building, 2nd Floor,
Promenade Road, Cantonment,
Trichy District.

.. Respondent

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondent from bringing the petitioner's movable and immovable properties, namely the machineries and other land properties including the mill premises which are mortgaged with the respondent under the MOD dated 30.11.2016 in the light of the proceedings of the respondent dated 22.01.2021 and consequent communication dated 23.01.2021 not otherwise than due process of law beside directing the respondent to consider the OTS proposal and objection of the petitioner dated 29.01.2021 within a time frame as fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi

ORDER

The petitioner is the proprietor of M/s.Sri Vengatesha Rice Mill situated at Door No.1/15, New.S.No.76/1A, Sirumayangudi West Village, Lalgudi Taluk, Trichy District. The petitioner has approached the respondent bank seeking financial assistance in respect of his business and in this regard, an application was submitted by him on 28.03.2016. On the basis of consideration of the petitioner's application, loans were sanctioned by the respondent bank. According to the petitioner, the respondent bank had sanctioned loan to the tune of Rs.73.7 lakh as claimed by him through sanction letter dated 06.06.2016.

2.According to the petitioner, the respondent bank did not act as per the agreement entered into between the petitioner and the respondent bank at the time of sanctioning the loan. The affidavit



contained number of factual events in regard to the loan taken by the petitioner and the non-performance of the bank on its obligation. The petitioner has also averred in the affidavit that he suffered heavy financial loss and in that circumstances, he is before this Court seeking a writ of mandamus, forbearing the respondent bank from bringing the petitioner's properties, which are mortgaged with the respondent bank under the MOD dated 30.11.2016, in the light of the proceedings of the respondent dated 22.01.2021 and the consequent communication dated 23.01.2021. He also sought a direction to the respondent to consider the OTS proposal and the objection of the petitioner dated 29.01.2021.

3.This Court is unable to appreciate as to how this Court can invoke its writ jurisdiction in settlement of a private dispute between the petitioner and the respondent bank. A private dispute of loan transaction or one time settlement as proposed by the petitioner is entirely between the petitioner and the respondent bank and this Court cannot be a party to facilitate such proposal or offer. It is not open to the petitioner to seek a direction from this Court towards settlement of his private dispute with his banker. Moreover, the petitioner has not chosen to challenge any of the proceedings of the respondent bank, but he has found a easier and a contrived route of approaching this Court by seeking a seemingly innocuous direction in order to settle his personal grievances with the respondent bank. Such a direction could never be issued by this Court under any circumstances.

4.The offer made by the petitioner for one time settlement is entirely within the realm of private issue and the same may be considered by the respondent bank alone, which cannot be a subject matter of adjudication before this Court. This Court is not inclined to entertain this writ petition on both the grounds of maintainability and on merits for the reason that the the affidavit itself is too sketchy and does not coherently make out any legal sense to give any direction as prayed for by the petitioner.

5.For the above said reasons, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P & A)

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/ /2021

Sub Assistant Registrar(CS)

mm



W.P.(MD)No.3359 of 2021

+1 CC to M/s.B.PRAHALAD RAVI, Advocate SR-6788[F] dated 23/02/2021

W.P. (MD) No. 3359 of 2021
22.02.2021

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TR (07.04.2021) 3P 2C