



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.03.2021**

CORAM

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

WEB COPY

**W.P (MD) No.5886 of 2021**

Karikalan

...Petitioner

Vs

1. The Union of India,  
represented by  
The Principal Secretary,  
Ministry of Finance,  
Financial Section,  
Jeevan Deep Building,  
Parliament Street, New Delhi.
2. The Officer in charge,  
Reserve Bank of India,  
16, Rajaji Salai, Fort Glacis,  
Chennai,  
Tamil Nadu - 600 001.
3. The Officer in charge,  
Reserve Bank of India,  
Regional Office,  
DNBS, Third Floor,  
Opp to Mumbai Central Station,  
Byculla, Mumbai - 400 008.
4. The Officer in charge,  
Yes Bank Limited,  
Yes Bank Tower,  
One International Centre,  
Tower II  
15<sup>th</sup> Floor, Senapati Bapat Marg,  
Elphinstone (W),  
Mumbai - 400 013
5. The Branch Manager,  
Yes Bank,  
Palamstation Road,  
Sellur, Madurai.

.. Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the representation submitted by the petitioner dated 18.02.2021, in accordance with law within the time stipulated by this Court, consequently to direct respondents Nos.1

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and 2 to take action against the respondent No.4 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani  
For Respondent : Mr.Sundreshwarar,  
No.1 Central Government Standing  
Counsel  
For Respondent : M/S Vast Law Associates.  
No.5

### **ORDER**

The case of the petitioner is that he availed a loan from the 5<sup>th</sup> respondent bank along with his wife in the year 2018. According to him he has been paying monthly EMI without fail from 15.10.2018 till 15.01.2020. Thereafter, he was not able to pay the EMI due to certain difficulties expressed by him in the affidavit. According to him one of the reasons for not making the EMI payment primarily was due to COVID-19 situation.

2.It appears that on 11.12.2020 the 5<sup>th</sup> respondent bank issued notice calling the petitioner for payment of arrears amount along with interest and in case of non payment, further action will be initiated under the SARFAESI Act and his assets will be seized. At this the petitioner appears to have submitted a representation.

3.The grievance of the petitioner in this writ petition is that on behalf of the 5<sup>th</sup> respondent bank, some agencies have been threatening him and intimidated the petitioner and his family for early payment of the loan amount. In the said circumstances, the petitioner is before this court for a direction to consider his representation and also to take action against the 5<sup>th</sup> respondent by the 1<sup>st</sup> and 2<sup>nd</sup> respondents.

4.This Court is not inclined to entertain this writ petition for a simple reason that it is purely a private dispute between the petitioner and the 5<sup>th</sup> respondent bank and the petitioner is bound by certain loan obligation. In case the petitioner has any difficulty, it is open to him to approach the bank and convince the officials for deferring the EMI amount payable and it is certainly not open to the petitioner to invoke the constitutional jurisdiction for facilitating any kind of settlement on his behalf.

5.Moreover, whether the 5<sup>th</sup> respondent has employed any illegitimate or illegal method to recover the loan amount is a matter fall within the realm of factual controversy, which cannot be



undertaken by this Court in the writ jurisdiction.

6. In case the petitioner is facing any threat or intimidation from any officials of the 5<sup>th</sup> respondent bank, it is for the petitioner to approach the appropriate authority and file a complaint. In any case under the pretext of any reason, the petitioner cannot maintain this writ petition and get the constitutional jurisdiction involved and stall the legitimate action to be initiated by the bank for recovery of loan amount.

7. For the above stated reasons, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (W)

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/ /2021

Sub Assistant Registrar(CS)

dsk

+1 CC to M/s.R.ALAGUMANI, Advocate ( SR-11730[F] dated 17/03/2021 )

+1 CC to M/s.VAST LAW ASSOCIATES, Advocate ( SR-12081[F] dated 18/03/2021 )

+1 CC to M/s.V.B.SUNDHARESHWAR ( SR-12480[F] dated 19/03/2021 )

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RK (20.04.2021) 3P 4C