



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2021

CORAM

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.13706 of 2021

P.Nagarajan

... Petitioner

Vs.

1.The General Manager,
Canara Bank,
St. Mary Buildings,
Keelaveli Veethi,
Madurai - 625 001.

2. The Assistant General Manager,
O/o. The Assistant General Manager,
Canara Bank,
Palani Road, Dindigul District.

3. The Branch Manager,
Canara Bank,
Batlagundu Branch,
Batlagundu,
Dindigul District.

... Respondents

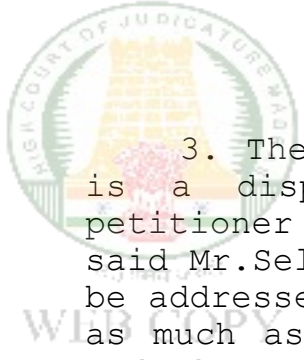
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to take appropriate action against the third respondent who recovered money from the salary of the petitioner wrongly, to repay the amount which are already recovered from the salary to the petitioner and to take appropriate action against the third respondent who recovered money from the salary of the petitioner wrongly on the basis of petitioner's representation dated 25.08.2020.

For Petitioner : Mr. M.Sankar
For Respondent : Mr. C.Deepak

O R D E R

The petitioner seeks a direction to the third respondent to prevent the recovery of money from his salary by such respondent.

2. The petitioner states that one Mr.M.Selvam availed a housing loan from the Canara Bank. In connection therewith, a mortgage was created over an immovable property belonging to the said Mr.M.Selvam. Subsequently, the petitioner purchased such properties from Mr.Selvam and the present dispute has arisen because the petitioner was called upon to pay the loan outstanding.



3. The dispute between the petitioner and the third respondent is a dispute relating to a private transaction whereby the petitioner appears to be the purchaser of assets mortgaged by the said Mr.Selvam with the Canara Bank. A dispute of this nature cannot be addressed in proceedings under Article 226 of the Constitution in as much as it is a purely civil dispute as between the petitioner and the Canara Bank. In addition, it is a dispute relating to the liability of the petitioner towards the Canara Bank and, therefore, clearly raises disputed questions of fact which cannot be conveniently decided on affidavit evidence.

4. W.P.(MD).No.13760 of 2021 is disposed of by leaving it open to the petitioner to initiate appropriate civil proceedings in respect of the disputes raised herein. There will be no order as to costs.

Sd/-

Assistant Registrar (W)

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Sub Assistant Registrar(CS)

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W.P.(MD).No.13706 of 2021
06.08.2021

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