



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.14042 of 2021

and

W.M.P(MD) No.11030 of 2021

WEB COPY

Seyed Haja Halim

... Petitioner

Vs.

The Bank Manager
State Bank of India,
Kilakarai Branch,
Ramanathapuram District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records relating to the impugned order passed by the respondent vide his proceedings Nil dt. 28.07.2021 and quash the same as illegal.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

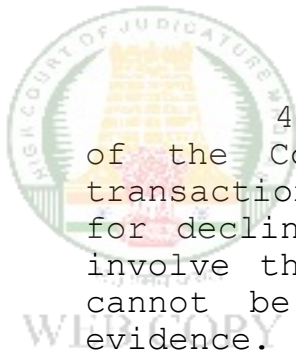
For Respondent : Mr.C.Karthick

ORDER

The petitioner challenges a notice dated 28.07.2021 from the State Bank of India, whereby the loan account of the petitioner was classified as irregular and the petitioner was called upon to repay a sum of Rs.1,21,076/- (Rupees One Lakh Twenty One Thousand and Seventy Six only) to regularize the same.

2.The petitioner states that he availed of an educational loan and had offered his aunt's property as security in respect thereof. In spite of submitting representations for one time settlement of such loan, it is alleged that the bank did not come forward for such one time settlement. Therefore, the petitioner filed W.P.(MD).No.24261 of 2018 to direct the respondent to consider his representation in connection with such one time settlement. The said Writ Petition is said to be pending.

3.Meanwhile, the bank issued the notice dated 28.07.2021 whereby the loan account has been classified as irregular and it is stated that it is a non performing asset. The said notice is challenged in this Writ Petition.



4. Ordinarily, in exercise of jurisdiction under Article 226 of the Constitution, the Court declines to interfere in loan transactions between a bank and its constituent. The obvious reason for declining to exercise jurisdiction is that such matters would involve the examination of the relevant statements of account and cannot be appropriately or conveniently addressed on affidavit evidence. Besides, alternative avenues are available to an aggrieved borrower in such regard. In the case at hand, the petitioner has failed to make out any extraordinary grounds for interference under Article 226 in a dispute of this nature.

5. Accordingly, W.P.(MD).No.14042 of 2021 is dismissed without any order as to costs by leaving it open to the petitioner to pursue other remedies in accordance with law. Consequently, W.M.P.(MD).No.11030 of 2021 is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Tsg

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.AJMAL ASSOCIATES, Advocate (SR-26083
[F] dated 12/08/2021)

**W.P (MD) No.14042 of 2021
12.08.2021**

RD(23.08.2021) 2P 2C