



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2021

CORAM

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD) No.15004 of 2021

R.Sathish Kannan

... Petitioner

Vs.

1.The Banking Ombudsman,
Reserve Bank of India,
No.16, Rajaji Salai,
Ft. Glacis, Chennai - 600 001.

2. The Manager / The Authorized Officer,
Magma Fincorp Limited,
Development House,
24th Park Street,
Kolkata - 700 016.

3. The Branch Manager,
Magma Fincorp Limited,
No.79/2, Raja Barley Building,
3rd Floor, Bye Pass Road,
Madurai - 625 010.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to instruct the respondent No.2 & 3 to consider the petitioner representation dated 21.07.2021 within a stipulated time period in accordance with law.

For Petitioner : Mr.C.Senthil Murugan
For Respondents :

O R D E R

The petitioner seeks a direction to the Reserve Bank of India to instruct Magma Fincorp Limited to consider and dispose of his representation dated 21.07.2021.

2. The petitioner admittedly availed of a car loan from Magma Fincorp Limited. It is stated that such loan was discharged in terms of the relevant loan agreement until the petitioner was affected by the covid-19 pandemic. Subsequently, it is stated that the petitioner was shocked to receive a summons in relation to proceedings under Section 138 of the Negotiable Instrument Act 1881. In these circumstances, the petitioner submitted a representation dated 21.07.2021 and has approached this Court on account of the non-consideration thereof.



between the petitioner and a private lending institution. A writ of mandamus is issued when a statutory authority is called upon to discharge an obligation but fails to do so. In the case at hand, the petitioner relies upon the representation dated 21.07.2021 to the first respondent as the basis for the present writ petition.

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4. Ordinarily, this Court declines to exercise extraordinary jurisdiction under Article 226 of the Constitution in respect of commercial transactions between a borrower and lender. The petitioner has failed to make out the existence of extraordinary circumstances which would warrant interference in this case.

5. Accordingly, W.P.(MD).No.15004 of 2021 is dismissed without any order as to costs. However, it is open to the petitioner to institute appropriate legal proceedings to remedy his grievance against Magma Fincorp Limited. In addition, this order will not preclude any negotiated settlement between the petitioner and Magma Fincorp Limited in relation to the relevant loan account.

Sd/-

Assistant Registrar (CS I)

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/ /2021

Sub Assistant Registrar(CS)

Sbn

To

1.The Banking Ombudsman,
Reserve Bank of India,
No.16, Rajaji Salai,
Ft. Glacis, Chennai - 600 001.

W.P. (MD) .No.15004 of 2021
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MGJ(02.09.2021) 2P 2C