



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17182 of 2021

A.Krishnakumar

... Petitioner

Vs.

1.The Regional Manager,
Canara Bank, Regional Office,
118B, West Perumal Maistry Street,
Madurai- 652 001.

2.The Authorized Officer / Bank Manager,
Canara Bank, Thisaiyanvilai Branch,
Thisaiyanvilai - 627 657,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to give petitioner's Account statement to the petitioner in connection with his account and to pay minimum amount of Rs.5000/- to the petitioner from his salary account in order to lead his family in the light of the petitioner's representation dated 06.08.2021 within a stipulated period as prescribed by this Court.

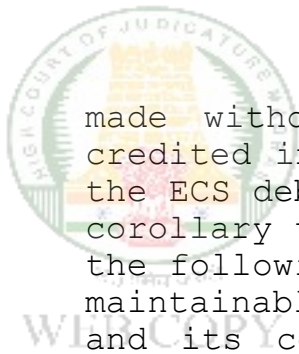
For Petitioner : Mr.P.Jeyasankar
For R-1 and R-2 : Mr.Pethu Rajesh,
Standing Counsel.

ORDER

The petitioner seeks a direction to the Canara Bank to provide an account statement in respect of his account and to pay a minimum amount of Rs.5000/- (Rupees Five Thousand only) to the petitioner from his salary account.

2. The petitioner states that he availed of a personal loan from the Canara Bank. As per the terms and conditions of such loan, the petitioner was required to pay equated monthly installments of Rs.10,816/- (Rupees Ten Thousand Eight Hundred and Sixteen only). The petitioner alleges that the Canara Bank debited more than the EMI amount. Therefore, the petitioner submitted a representation dated 06.08.2021 requesting the bank to provide an account statement and to ensure that at least Rs.5000/- (Rupees Five Thousand only) remains in the account for the petitioner's sustenance. The present Writ Petition is filed in these facts and circumstances.

3. Mr.Pethu Rajesh, learned Standing Counsel, appears for the Canara Bank. He relies upon a counter-affidavit affirmed by a Senior Manager of the said bank. He draws reference to the statement of accounts and points out that the petitioner repeatedly



made withdrawals from the ATM immediately after his salary was credited into his account. As a result, on the stipulated date for the ECS debit, there was insufficient balance in the account. As a corollary thereto, the bank was constrained to debit a larger sum in the following month. He also points out that a Writ Petition is not maintainable with regard to such loan transactions between a bank and its constituent. The petitioner should either approach the jurisdictional Consumer Disputes Redressal Forum or a civil court.

4. In judicial review, ordinarily, the Court does not interfere in transactions between a bank and its constituent. Such transactions turn on the terms and conditions of the relevant loan agreement and typically involve disputed questions of fact. In addition, the statement of account corroborates the submission of learned Standing Counsel for the bank that the petitioner made ATM withdrawals on the same date or shortly after the salary was credited into his account and thereby breached the terms and conditions of the loan.

5. In these circumstances, the petitioner is not entitled to relief in exercise of discretionary jurisdiction. In fact, the first limb of the petitioner's prayer seeking issuance of an account statement has already been fulfilled by handing over such statement to the petitioner. The petitioner is not entitled to any other relief in exercise of jurisdiction under Article 226 of the Constitution.

6. Accordingly, W.P.(MD).No.17182 of 2021 is disposed of without any order as to costs by leaving it open to the petitioner to avail of remedies before a jurisdictional civil court or by approaching a Consumer Disputes Redressal Forum.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

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.P.PETHU RAJESH, Advocate (SR-31715[F] dated 08/10/2021)

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08.10.2021

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