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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.40738 of 2015
and
M.P.Nos.1 & 2 of 2015

S.Jayakanthan

... Petitioner

Vs

1. The Assistant General Manager,
State Bank of India,
Micro Finance Branch,
No.34, Kosamadam Street,
Thiruvannamalai - 606 601.

2. The Branch Manager,
State Bank of India,
No.34, Kosamadam Street,
Thiruvannamalai - 606 601.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the respondents in connection with the impugned proceedings issued by the first respondent dated 03.11.2015 and quash the same and further direct the respondents to waive the agricultural loan.

For Petitioner : Mr.R.Dhinesh Kumar

For Respondents : Mr.R.Vigneshwaran

O R D E R

The relief sought for in the present writ petition is to call for the records of the respondents in connection with the impugned proceedings issued by the first respondent dated 03.11.2015 and quash the same and further direct the respondents to waive the agricultural loan.



2.By order dated 03.11.2015, information was provided to the petitioner stating that the petitioner has not repaid the loan amount and on receipt of the impugned notice, he has to settle the amount. The impugned proceedings dated 03.11.2015 reveals t hat the petitioner was a defaulter and not repaid the loan amount. Therefore, the respondent Bank directed the petitioner to settle the loan amount. An alternate suggestion is also provided to the petitioner to pay the amount by way of small installments and seek extension of time to settle the loan amount. In the event of failure, the tractor hypothecated will be attached.

3.The loan transaction between the Bank and the customer is based on the terms and conditions of contract. Such contractual obligations cannot be adjudicated in a writ proceedings and it is to be considered based on the original documents and evidences and with reference to the agreed terms and conditions.

4.This apart, the petitioner is a defaulter and through the impugned order, the Bank provided an opportunity to settle the loan or to seek extension of loan period by settling through small installments. Such an order cannot provide a cause for the petitioner to file the present writ petition. This apart, such contractual obligation between the parties cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. Thus, the petitioner is at liberty to approach the respondent Bank for the purpose of redressal of his grievances.

5.With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

cse

To

1. The Assistant General Manager,
State Bank of India,
Micro Finance Branch,
No.34, Kosamadam Street,
Thiruvannamalai - 606 601.



2. The Branch Manager,
State Bank of India,
No.34, Kosamadam Street,
Thiruvannamalai - 606 601.

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+1cc to Mr.R.Dhinesh Kumar, Advocate, S.R.No.4486

W.P.No.40738 of 2015

PCH (CO)
SU (09/02/2022)