



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.04.2022

Coram:

THE HONOURABLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Appeal No.3019 of 2021

Hemamalini

.. Appellant / Petitioner

Vs.

1. The Managing Director,
The Tamilnadu Industrial Co-operative Bank Limited,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road, Egmore, Chennai-8.
2. The Branch Manager,
The Tamilnadu Industrial Co-operative Bank Limited,
9, Peramanur Main Road, Four Roads, Salem.
3. The Sales Officer/Auction Officer,
District Industries Centre,
Omalur Main Rd, SIDCO Industrial Estate,
Narasothipatti, Salem,
Tamil Nadu-636 004.

.. Respondents / Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 28.10.2021 passed by the learned Single Judge, in W.P.No.23146 of 2021 on the file of this Court.

Prayer in W.P.No.23146 of 2021: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents 1 and 2 to furnish the statement of loan account of the petitioner within a time frame as fixed by this Honourable Court and consequently direct the respondents to extend the period for payment of the actual balance amount.

For appellant : Mr.R.Nalliyappan
For respondents : Mr.K.Seetharam for RR-1 and 2
Mr.P.Muthukumar,
State Govt. Pleader for R-3



JUDGMENT

(The Judgment of the Court was delivered by The Honourable Chief Justice)

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The Writ Appeal has been filed challenging the judgment dated 28.10.2021 in W.P.No.23146 of 2021, wherein the said Writ Petition filed by the appellant to seek direction to the respondents 1 and 2 to furnish statement of loan account within a time frame, has been rejected by the learned Single Judge.

2. The learned Single Judge has dealt with the factual matrix involved in the matter. Though the Writ Petition was filed only to seek statement of the loan account, the factual matrix was given finding that on the default of payment of loan amount, the respondents conducted the auction and the same was the subject matter of challenge before this Court in W.P.No.11200 of 2021. Considering the offer made in the said Writ Petition, it was disposed of on 05.05.2021 directing the writ petitioner to make payment to the satisfaction of the Bank to show her bona-fides. During the pendency of the said Writ Petition, the petitioner never asked to disclose her Bank loan account, and it is only to delay the payment that the present Writ Petition was filed.

3. We find no illegality in the impugned order passed by the learned Single Judge, because the writ petitioner is a defaulter and after filing the first Writ Petition with a direction to the petitioner to make payment to the satisfaction of the Bank, to show her bona-fides, the subsequent Writ Petition seeking loan account, was not bona-fide and otherwise, could have sought by her under the Right to Information Act, 2005. Hence, the Writ Petition was not even maintainable. Finding no error in the impugned order passed by the learned Single Judge, the Writ Appeal is dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

CS



To

1. The Managing Director,
The Tamilnadu Industrial Co-operative Bank Limited,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road, Egmore, Chennai-8.
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9, Peramanur Main Road, Four Roads, Salem.
3. The Sales Officer/Auction Officer,
District Industries Centre,
Omalur Main Rd, SIDCO Industrial Estate,
Narasothipatti, Salem, Tamil Nadu-636 004.

+1cc to Mr.R.Nalliyappan, Advocate, S.R.No.27608
+1cc to Mr.K.Seetharam, Advocate, S.R.No.27504
+1cc to the Government Pleader, S.R.No.28180,27703

Writ Appeal No.3019 of 2021

KK[co]
NSK 29/04/2022