



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No. 2486 of 2022

and

W.M.P.(MD) No. 2193 of 2022

L.Athirstaraj

.. Petitioner

Vs

1. The Authorized Officer,
Tamilnadu Mercantile Bank Limited,
Prahasapuram Branch,
No.151 Margoschis Road,
Nazreth - 628 617,
Thoothukudi District,
Rep. by Thoothukudi Regional Office.

2. The Branch Manager,
Tamilnadu Mercantile Bank Limited,
Prahasapuram Branch,
No.151 Margoschis Road,
Nazreth - 628 617,
Thoothukudi District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to accept Banker's Cheque bearing cheque No.950627 drawn in the petitioner's Loan account No.054700480100748 and not to proceed further with the Auction Sale Notice dated 20.10.2021 with regarding to his property for an extent of 0.10.00 hectares and a house therein in Survey No.677 situated at Themangumal Village, Eral Taluk, Thoothukudi District and consequently direct the respondents to close the petitioner Loan Account Nos. 054700050900097 and 054700480100748 and furnish the Loan Closure Report and the No Due Certificate to the petitioner.

For Petitioner : Mr.M.Karuppasamy

For Respondents : Mr.N.Dilipkumar
for R1 & R2



ORDER

(Made by PARESH UPADHYAY, J.)

The relief sought for in this petition can not be granted in view of the subsequent development having taken place which are put to our notice by the respondent - Bank.

2. Though there are other factors on record which may only land the petitioner in not in difficulty at least in embarrassing position, discretion under Article 226 of the Constitution of India is not to embarrass the citizen.

3. The petition is disposed of leaving it open to the petitioner to move appropriate forum if otherwise he is entitled to any remedy. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Authorized Officer,
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+1 CC to M/s.M.KARUPPASAMI, Advocate (SR-5240[F] dated 10/02/2022)
+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-5454[F] dated 10/02/2022)

W.P(MD)No. 2486 of 2022

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