



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.2608 of 2022

G.Bala Vigneshwaran

... Petitioner

Vs.

1.The Regional Director,
Reserve Bank of India,
No.16, Rajaji Salai,
Chennai - 600 001.

2.The Chief Manager,
Union Bank of India,
P.B.No.51, Rosari Charge Complex,
Town Hall Road, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to take appropriate action on the second respondent for the Sanction Loan in No.563706550001069 and levied Ex-ordinary interest based on the petitioner's representation dated 28.01.2022.

For Petitioner : Mr.G.Kannan
For Respondent No.2 : Mr.V.S.Karthi
Standing Counsel

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to take appropriate action against the second respondent in respect of levying exorbitant interest in the sanctioned Loan in No.563706550001069 based on the petitioner's representation dated 28.01.2022.

2.According to the petitioner under the aforementioned loan the petitioner has borrowed money from the second respondent bank. According to the petitioner, exorbitant interest has been levied on the petitioner and in such circumstances he has given a representation dated 28.01.2022 to the first respondent calling upon the first respondent to take action against the second respondent Bank.



3.Mr.V.S.Karthi, learned Standing Counsel who accepts notice on behalf of the second respondent and he submits that already a civil suit has been filed by the second respondent against the petitioner in O.S.No.981 of 2021 on the file of III Additional Subordinate Court, Madurai seeking for recovery of money in respect of the loan. Being a contractual dispute, arising out of a loan contract between the petitioner and the second respondent, the present writ petition is not maintainable.

4.Therefore, the only remedy available to the petitioner with regard to his grievances is to file his written statement in the suit filed by the second respondent against the petitioner which is now pending on the file of II Additional Subordinate Court, Madurai. The grounds raised in this writ petition can very well be raised by the petitioner in the written statement.

5.Learned Counsel for the petitioner seeks permission of this Court to withdraw this writ petition in view of the aforementioned fact and seeks liberty to raise all the defences available to the petitioner which have been raised in this writ petition in the suit filed by the second respondent against the petitioner which is pending on the file of III Additional Subordinate Court, Madurai.

6.After recording the submissions made by the learned Counsel for the petitioner, this writ petition is dismissed as withdrawn. However, liberty is granted to the petitioner to raise all defences available to the petitioner under law including the grounds raised in this writ petition in the civil suit filed by the second respondent against the petitioner which is now pending on the file of III Additional Subordinate Court, Madurai. There shall be no order as to costs.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

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.*



TO:

1.The Regional Director,
Reserve Bank of India,
No.16, Rajaji Salai,
Chennai - 600 001.

2.The Chief Manager,
Union Bank of India,
P.B.No.51, Rosari Charge Complex,
Town Hall Road, Madurai.

DP
26/02/2022
3P/3C

ORDER MADE IN W.P. [MD]No.2608 of 2022
09.02.2022

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