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W.P.(MD)NO.15043 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15043 of 2022

Francis Xavier

... Petitioner

Vs.

1. The Chief Manager,
M/s.Tamilnad Mercantile Bank Ltd.,
Virudhunagar Branch,
D.No.280, Madurai Road,
Virudhunagar,
Virudhunagar District.

2. The Branch Manager,
M/s.Tamilnad Mercantile Bank Ltd.,
Virudhunagar Branch,
Virudhunagar Town & District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to issue a “ No Due Certificate ” and take necessary steps to clear the encumbrance over the property situated in Door Nos.29/8A2 and 29/8A2-2, T.S. No.522/Part, Ward No.5, Fathima Nagar, Virudhunagar Town and Municipality, Virudhunagar District within the stipulated period which this Court may deem fit.



For Petitioner : Mr.M.Jothi Basu

For Respondents: Mr.N.Dilip Kumar,
Standing counsel.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner as well as the learned Standing counsel appearing for the respondent Bank.

2. At the very outset, the learned Standing counsel raised the question of maintainability. He relies on the decision of the Hon'ble Supreme Court reported in **(2003) 10 SCC 733 (Federal Bank Ltd., V. Sagar Thomas)**. Tamilnad Mercantile Bank Ltd. is a scheduled Bank which is not a nationalized bank or a State Government undertaking. Therefore, as held by the Hon'ble Supreme Court, the writ petition is not maintainable. Leaving open all the rights and remedies of the writ petitioner, this writ petition stands dismissed. No costs.

13.07.2022

Index : Yes / No

Internet : Yes/ No

PMU



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G.R.SWAMINATHAN,J.

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