



W.P. No.6447 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.6447 of 2020

M.Ambika

... Petitioner

Vs

1. The Banking Ombudsman
Reserve Bank of India,
Rajaji Salai,
Chennai – 600 009.

2. Srinivasa Rao

3. M/s.Poosam Perumal Impex (P) Ltd.,
No.8/67, 1st Floor,
Varalakshmi Nagar,
Chennai – 09.

4. Padmavathi

5. K. Arunraj Prakash

6. K.L. Raghavan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 28.02.2020.



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For Petitioner : Mr. B. Manimaran
For Respondents : Mr.C. Mohan
for M/s.King & Patridge for R1
Mr.R.Umasuthan for R2

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the 1st respondent to consider the petitioner's representation dated 28.02.2020.

2. It is the case of the petitioner that the 2nd respondent's Bank Manager colluded with other respondents lured the petitioner who in turn deposited certain title deeds. By using that collateral security, the respondents 2 to 6 availed loan of Rs.1,10,00,000/-. Since, the 2nd respondent's Bank Manager was indulged in such loan sanction, the petitioner has made a representation dated 28.02.2020 to the 1st respondent seeking for appropriate orders. But the same has not been considered, till date by the 1st respondent, hence, he has approached this Court with the aforesaid prayer.

3. Learned counsel for the petitioner submits that it would suffice if this Court issue directions to the 1st respondent to consider the representation of the petitioner, dated 28.02.2020 and to pass appropriate



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orders in accordance with law, within a time frame to be fixed by this Court.

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4. Learned Standing Counsel for the 1st respondent submitted that the petitioner and other private respondents borrowed a sum of Rs.1,10,00,000/- from the 2nd respondent bank and they have not paid the said amount. For the non payment of loan amount already SARFAESI Proceedings have been initiated against the petitioner and the private respondents. Pursuant to the order passed by the DRT, the said property came to an auction and has been sold to some third party. He further submitted suppressing the same, the petitioner has approached this Court with unclean hands, which is unsustainable and prays for dismissal of this writ petition.

4. Heard learned counsel on either sides and perused the material placed on record.

5. A bare perusal reveals that the petitioner and other private respondents availed a loan of Rs.1,10,00,000/- and have not repaid the said loan. Owing to which, the respondent / bank has initiated steps under SARFAESI Act and the subject property was also sold to some third party, whereas the said fact has not been disclosed by the petitioner. In such circumstances, approaching this Court with unclean hands is unsustainable



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and therefore, the prayer sought for in this writ petition cannot be granted.

Accordingly, this writ petition stands dismissed. However, liberty is granted to the petitioner to work out the remedy in the manner known to law. No costs.

24.04.2023

vsi2

Index: Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes / No



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M.DHANDAPANI, J.

vsi2

To
The Banking Ombudsman
Reserve Bank of India,
Rajaji Salai,
Chennai – 600 009.

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24.04.2023