



WEB COPY



WP No.24082 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10-03-2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.24082 of 2016

And

WPMP No.20610 of 2016

M/s.A.M.Mini Super Market,
Represented its Proprietor,
Mr.G.Angamuthu,
No.439, Global Health City and Hospital,
Cheran Nagar,
Perumbakkam,
Chennai-600 100.

.. Petitioner

VS.

1.Senior Manager,
Canara Bank,
NIOT Pallikaranai Branch,
Chennai-600 100.

2.General Manager,
Canara Bank,
Circle Office,



WP No.24082 of 2016

Anna Salai,
Chennai-600 018.

WEB COPY

3. Deputy General Manager,
SME Section, Canara Bank,
Circle Office, Anna Salai,
Chennai-600 018.

4. Regional Manager,
United India Insurance Company Ltd.,
Tamil Nadu Flood Claim's 2015,
No.24, Whites Road,
Chennai-600 014.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents 1 to 3 to consider the representations of the petitioner dated 08.02.2016 and 07.06.2016 to regularise the Account No.2874261000015 of the petitioner M/s.A.M. Mini Super Market with the first respondent-Bank, thereby permit the petitioner to operate the OD account and run the business.

For Petitioner : Mr.N.Selvaraju

For Respondents-1 to 3 : Mr.P.Raghunathan for
M/s.T.S.Gopalan and Co.

For Respondent-4 : Mr.S.Arunkumar



WP No.24082 of 2016

ORDER

WEB COPY

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to consider the representations submitted by the petitioner respectively on 08.02.2016 and 07.06.2016 to regularise the Account No.2874261000015 of the petitioner M/s.A.M.Mini Super Market with the first respondent-Bank, thereby permit the petitioner to operate the OD account and run the business.

2. The petitioner states that they were running a Canteen in Global Health City and Hospital, Cheran Nagar, Perumbakkam, Chennai-600 100 and during flood, the business of the petitioner suffered and sustained loss.

3. It is not in dispute that the insured amount with the fourth respondent-Insurance Company had already been settled in favour of the petitioner.



WEB COPY

4. The learned counsel appearing on behalf of the respondents 1 to 3 made a submission that a sum of Rs.75 lakhs was sanctioned by the fourth respondent, which was appropriated by the respondent-Bank towards security. The respondent-Bank had a lien with the policy that the insurance amount was appropriated by the respondent-Canara Bank.

5. The learned counsel for the respondent-Bank contended that an opportunity was given to the petitioner to re-start his Bank Account with the reduced limit of Rs.68 lakhs. However, without even approaching the Bank Authorities and without availing the opportunity, the petitioner has chosen to file the present writ petition.

6. Since the insurance amount had already been sanctioned by the fourth respondent-Insurance Company, which was appropriated by the respondent-Canara Bank in lieu of loss of hypothecation and the respondent-Bank had given an opportunity to the writ petitioner to re-start his Bank



WP No.24082 of 2016

Account, which was not availed by him.

WEB COPY

7. This Court, at this length of time, cannot consider the relief as such sought for in the present writ petition. More-so, such disputed facts cannot be adjudicated under Article 226 of the Constitution of India. If at all, any grievance exists, the petitioner is at liberty to approach the Competent Authorities of the respondent-Bank or the Competent Forum for adjudication of such disputed facts.

8. With the abovesaid liberty, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

10-03-2023

Speaking Order/Non-Speaking Order.

Neutral Citation : Yes/No.

Internet : Yes/No.

Index: Yes/No.

Svn

5/6



WEB COPY



WP No.24082 of 2016

S.M.SUBRAMANIAM, J.

Svn

To

- 1.The Senior Manager,
Canara Bank,
NIOT Pallikaranai Branch,
Chennai-600 100.
 - 2.The General Manager,
Canara Bank,
Circle Office,
Anna Salai,
Chennai-600 018.
 - 3.The Deputy General Manager,
SME Section, Canara Bank,
Circle Office, Anna Salai,
Chennai-600 018.
 - 4.The Regional Manager,
United India Insurance Company Ltd.,
Tamil Nadu Flood Claim's 2015,
No.24, Whites Road,
Chennai-600 014.
- 2016

WP 24082 of

10-03-2023

6 / 6