



W.P.No.12040 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.12040 of 2022

P.Krishnakumar

.. Petitioner

Vs.

1. The Reserve Bank of India
Fort Glacis, 16, Rajaji Salai
Fort St.George, Chennai 600 001.

2. The Banking Ombudsman
Reserve Bank of India, New Delhi.

3. The Branch Manager
DBS Bank Ltd. (Erstwhile Lakshmi Vilas Bank)
Dharmapuri Branch
9-C, Nethaji Bypass Road
Hotel Agarwal Bavan Building
Dharmapuri 636 701.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of declaration, to declare all the proceeding initiated by the Respondent 3 against the Petitioner DRT-III Chennai in OA No. 379 / 2019 and OA 483 / 2019 and Criminal MP No. 370 / 2020 in the file of Honorable Chief Judicial Magistrate, Dharmapuri as null and void and direct the Respondent 1 and 2 to investigate into illegal action of Respondent 3 of operating and debiting the NPA account of the Petitioner.



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For the Petitioner : Mr.L.Sriram

For the Respondents : No appearance for R1
R2 not ready in notice

Mr.A.Arun Babu
for R3

ORDER

(Made by the Hon'ble Chief Justice)

We heard Mr.L.Sriram, learned counsel for the petitioner and
Mr.A.Arun Babu, learned counsel for the third respondent.

2. According to the petitioner, the writ petition is filed against the unauthorized debit of Rs.11 lakhs and also seeks to declare the proceedings before the Debts Recovery Tribunal as null and void, so also the orders passed by the learned Chief Judicial Magistrate. According to learned counsel for the petitioner, investigation is required to be made by the Reserve Bank of India regarding the action.

3. In our opinion, the present petition is an abuse of the process of the Court.



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4. The proceedings are already pending before the Debts Recovery Tribunal and the petitioner has already challenged the order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, by filing an application before the Debts Recovery Tribunal. The Bank has also filed O.A.No.379 of 2019 and O.A.No.483 of 2019 for recovery of the amount. By filing a written statement, the same defence can be raised by the petitioner.

5. The present writ petition, as such, is not tenable. Keeping all the contentions of the respective parties open in the matters pending before the Debts Recovery Tribunal, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.11461 of 2022 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(drm)

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