



W.P.No.21690 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2023

CORAM :

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

AND

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

W.P.No.21690 of 2023

T.Uma Maheswari

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Petitioner

Vs

1.The General Manager,
Reserve Bank of India,
Regional Office, Fort Glacis,
Rajaji Salai, Chennai-600 001.

2.The Authorized Officer,
M/s.Indian Overseas Bank,
Erode Main Branch,
12, APT Road, Sathy Road,
Park Road Junction,
Erode-638 003.

3.M/s.Sree Senthur Stores,
135, New Majeeth Street,
Erode-638 003.

4.T.Anandhan

5.A.Kavitha

6.Sakunthala

..

Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to (i) direct the first respondent to issue a necessary direction to the second respondent to consider petitioner's request mail dated 30.06.2023 pertaining to Cash Credit account No.0025025000005176; (ii) direct the first respondent to issue a necessary direction to the second respondent to furnish statement of account with proper explanation regarding how the outstanding amount was arrived in Cash Credit account No.0025025000005176; (iii) direct to first respondent to issue a necessary direction to the second respondent to give NOC after receiving correct amount in Cash Credit account No.0025025000005176 and release document which is deposited at the time of borrowing the above said loan.

For the Petitioner : Dr.A.E.Chelliah
Senior Counsel
for Mr.K.Sendurpandi

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Dr.A.E.Chelliah, learned Senior Counsel for the petitioner.



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2. Learned Senior Counsel for the petitioner submits that the petitioner has filed a Securitisation Application before the Debts Recovery Tribunal. The petitioner has complied with the orders passed by the Debts Recovery Tribunal of depositing the amounts from time to time. Much more amount has been deposited than borrowed. Still more than Rs.40 lakh is shown as outstanding. The first respondent be directed to issue necessary direction to the second respondent to consider the petitioner's request pertaining to the Cash Credit account and to direct the second respondent to furnish the statement of account with proper explanation about the outstanding amount arrived at in the Cash Credit account so also to issue direction to the second respondent to give NOC after receiving the correct amount in the Cash Credit account.

3. The petitioner has already filed a suit for partition before the civil court and has also filed Securitisation Application challenging the sale. She has got every right to seek the statement of accounts being a guarantor, which application can be made by the petitioner to the bank itself.



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4. If the petitioner has any grievance with regard to the functioning of the bank and the maintenance of the accounts, then the petitioner may approach the Banking Ombudsman. In case the petitioner approaches the Banking Ombudsman, the Banking Ombudsman shall consider the complaint of the petitioner on its own merits and in accordance with law and shall take a decision accordingly. In that event, all contentions are kept open.

5. With these observations, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.21063 of 2023 is closed.

(S.V.G., C.J.)

(P.D.A., J.)

25.07.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:

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

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