



W.P.No.24764 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2023

CORAM :

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

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

W.P.No.24764 of 2023

Vivekanandan

.. Petitioner

Vs

- 1.The General Manager,
(Loan Section)
Tamilnadu Mercantile Bank Ltd.,
Head Office 57 VE Road,
Thoothukudi.
- 2.The Zonal Manager,
Tamilnadu Mercantile Bank Ltd.,
Zonal Office, No.540, D.B. Road, 1st Floor,
R.S. Puram, Coimbatore-641 002.
- 3.The Branch Manager,
Tamilnadu Mercantile Bank Ltd.,
Udumalaipettai Branch,
D.No.2, Anusam Nagar,
Back Side of Anusam Theatre,
Udumalaipettai-642 126.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to set aside the



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impugned proceedings in CIN:L65110TN1921 PLC001908 dated 23.03.2023 passed by the third respondent and quash the same and consequently direct the respondents to defreeze the petitioner's accounts numbers in A/c.No.125101234567890 and A/c No.125201660500294 with the third respondent.

For the Petitioner : Ms.G.Uma Maheswari
for Mr.S.Veeraraghavan

ORDER

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

We have heard Mr.G.Uma Maheswari, learned counsel for the petitioner.

2. Learned counsel for the petitioner submits that the petitioner's bank accounts are attached on the premise that the petitioner is a guarantor of the loan and the loan outstanding against the borrower is Rs.1,24,76,000/-. Without notice to the petitioner, the bank accounts have been frozen. According to learned counsel, the property of the borrower is also put to auction. The property of the borrower is worth much more than the amount outstanding.



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3. A right has been exercised by the bank under the provisions of the Indian Contract Act, 1872. The dispute would be contractual in nature. It would not be possible to exercise our jurisdiction under Article 226 of the Constitution of India.

4. The petitioner may avail any other remedy that may be permissible under law. In that event, all contentions are kept open.

5. With these observations, the writ petition is disposed of. There will be no order as to costs. Consequently, W.M.P.No.24193 of 2023 is closed.

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

(P.D.A., J.)

23.08.2023

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

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

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