



W.P.(MD)No.17851 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.17851 of 2020

N.Kannan

... Petitioner

Vs.

1.The General Manager,
Canara Bank,
Karaikudi Branch,
No.56/67, Sekkalai Road,
Sivagangai District.

2.The Branch Manager,
Canara Bank,
Karaikudi Branch,
No.56/67, Sekkalai Road,
Sivagangai District.

3.M/s.Sri Veeramakali Rice Mill,
Represented by its Proprietor,
C.Pandi.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to return the petitioner's deposit amount of Rs.47,00,000/- to him based on the petitioner's representation dated 27.10.2020.



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For Petitioner : Mr.S.Sivasamy

For R-1 to R-2 : Mr.V.S.Karthi

For R-3 : Mr.AN.Ramanathan

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondent Bank to return the deposit amount of Rs.47,00,000/- (Rupees Forty Seven Lakhs only) to the petitioner based on the representation made by the petitioner on 27.10.2020

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing on behalf of the respondents.

3. The third respondent had borrowed loan from the respondent Bank and did not repay back the loan. Hence, the respondent Bank took steps to recover the amount from the third respondent by bringing his property for auction. At that point of time, the third respondent had approached the petitioner to help him to repay back the loan. Accordingly, the petitioner and third respondent entered into an



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agreement and the petitioner repaid back the loan amount to the respondent Bank on behalf of the third respondent.

4. There was some dispute between the petitioner and the third respondent and the petitioner wanted to get back the entire amount that was paid by him on behalf of the third respondent. A representation was made in this regard and as the same was not considered, the present Writ Petition has been filed before this Court.

5. In the considered view of this Court, the relief sought for by the petitioner is totally misconceived. The arrangement between the petitioner and the third respondent will not bind the Bank. The petitioner admittedly paid the amount to the third respondent Bank as per the claim made by the petitioner and there is some dispute between the petitioner and the third respondent and the Bank cannot be asked to refund the entire amount to the petitioner. The dispute between the petitioner and the third respondent must be resolved independently and the Bank should not be brought into the picture. Insofar as the Bank is concerned, the amount has been received towards the loan that was availed by the third respondent.



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6. In view of the above, the relief sought for by the petitioner cannot be granted and accordingly, the Writ Petition stands dismissed. No costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
tsg



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N.ANAND VENKATESH, J.

tsg

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