



W.P(MD)No.20254 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20254 of 2015

Sri Ganga Seva Sangam,
Rep.by the Secretary,
A.Ponnuvel,
S/o.Ayyanusamy,
No.49/3, Middle Street,
Duraismampuram Post,
Sivagiri Via and Taluk,
Tirunelveli District-627757.

... Petitioner

Vs.

1.The Regional Manager,
Indian Bank,
Regional Office,
Tirunelveli District.

2.The Manager,
Indian Bank,
Vasudevanallur Branch,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to release the balance Term Loan to the petitioner as per the reference in CO: TNY: MSME: 124: 2010-11 dt.11.02.2011 issued by the 1st Respondent.



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For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.T.Govindasamy

ORDER

Heard the learned counsel on either side.

2. The learned counsel for the petitioner informs the Court that Thiru.A.Ponnuvel who filed this writ petition is no more. The character of the petitioner is not quite clear. It appears to be a society. Be that as it may, the writ court cannot grant any relief in this writ petition. The petitioner has approached the Indian Bank for availing term loan. The bank released the first installment. Since the second installment was not released, the present writ petition came to be filed.

3. I went through the averments set out in the affidavit filed in support of the writ petition and also the materials enclosed in the typed set of papers. It is seen that the bank declined to release the second installment on the ground that the first installment amount was not properly utilized. The field inspection conducted by the bank officials disclosed certain irregularities. The complaint was enquired into by the Reserve Bank of India as well as Micro, Small and



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Medium Enterprises Commission also. Both of them have not rendered any finding in favour of the petitioner. In matters such as this, the writ court cannot issue any positive direction to the bank to release the loan amount. If the petitioner Sangam is still having any grievance, it can always move the banking ombudsman. If according to the petitioner the bank is at fault, the same can be taken as defence, when recovery steps are taken. I am only holding that the writ court cannot interfere in the matter.

4. Leaving open all the other contentions, defences and remedies of the petitioner, the writ petition is dismissed. No costs.

16.08.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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