



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.403 of 2023 and
W.M.P.(MD)No.368 of 2023

P.Rathinavel

... Petitioner

Vs.

1. The General Manager,
(Private Financial Institutions),
Reserve Bank of India,
Kamarajar Salai, Chennai.

2. The Manager,
ICICI Bank,
Sivakasi Branch,
Sivakasi,
Virudhunagar District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned letter in RBI/CMS/N202223023251777/2022-23 dated 21.10.2022 sent to the petitioner by the first respondent and quash the same and consequently direct the first respondent to issue necessary direction to the second respondent to permit the petitioner to clear the loan liability on one time settlement scheme (OTS scheme) after giving the subsidy, available to the people of schedule caste, based on the petitioner's representation dated 06.10.2022 made to the first respondent.



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For Petitioner : Mr. A. Ramesh

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner.

2. The petitioner is said to have borrowed the agricultural loan from the second respondent bank. The second respondent bank is now initiating coercive measures. The petitioner states that he is ready to clear the entire loan liability provided by the bank. According to him, he can very well avail the benefit of subsidy. The petitioner is also ready for one time settlement.

3. These are matters that cannot be agitated in writ jurisdiction. It is well settled that the writ Court cannot direct the creditor bank to agree for one time settlement. That apart, the ICICI Bank is a scheduled bank. It has been held time and again that writ will not lie against the ICICI Bank. The



petitioner has to necessarily avail the remedies that are otherwise available to him in law. I hold that this writ petition is not maintainable. I make it clear that I have not pronounced anything on the rights of the petitioner. Granting liberty to the petitioner to work out his rights elsewhere, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

06.01.2023

Index : Yes / No

Internet : Yes/ No

PMU

To:

The General Manager,
(Private Financial Institutions),
Reserve Bank of India,
Kamarajar Salai, Chennai.



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G.R.SWAMINATHAN,J.

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