

AD-31
Ct No.09
21.05.2024
TN

WPA No. 10411 of 2024

Paritosh Prajapati
Vs.
The State of West Bengal and others

Mr. Nikhil Kr. Gupta,
Mr. Golam Mohammed

.... for the petitioner

Mr. Arindam Chattopadhyay,
Mr. Md. Yusuf Ali

.... for the State

Mr. Supriyo Singh

.... for the respondent nos. 2, 3 & 4

1. Affidavit-of-service filed today be kept on record.
2. The petitioner submits that the petitioner, jointly with his elder brother (the private respondent) took a loan of Rs. 19,14,000/- from the respondent-Bank. Out of the loan, Rs. 8.5 lakh has been repaid. However, the petitioner thereafter approached the Bank for a one-time settlement of the account. The petitioner, to that effect, wrote several representations but the Bank has not responded positively to the same, prompting the petitioner to file the present writ petition.
3. Heard learned counsel for the parties.
4. No cause of action in the writ petition has been disclosed inasmuch as no legal right is vested in the petitioner which has been infringed in the present case. It is well-settled that the court cannot issue a rule of mandamus

compelling a Bank, going against its commercial prudence, to enter into a settlement with a borrower. As such, the writ court does not have any jurisdiction to interfere with the decision of the Bank on the issue.

5. Accordingly, WPA No. 10411 of 2024 is dismissed without any order as to costs.
6. However, nothing in this order shall prevent the bank, in the event it decides so, to look into the proposal for one-time settlement given by the petitioner.
7. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)