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W.P.No.3159 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2024

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.3159 of 2020

and

W.M.P.Nos.3668, 3669 & 3671 of 2020

M/S. International Currency Services Pvt. Ltd.
Rep. by Authorized Representative,
Mr.A.Micheal,
New No. 26 (Old no. 54) Cathedral Road,
Chennai-86.

... Petitioner

Vs.

1. The Under Secretary
Government of India,
Ministry of Finance,
Department of Banking,
Shastri Bhavan, New Delhi.

2. The Branch Manager,
Catholic Syrian Branch,
Second Line Beach Road,
Chennai- 1

3. The Branch Manager,
RBL Bank Ltd.,
Dass India Towers,
Second Line Beach Road,
Chennai-1



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4. The Assistant General Manager,
Catholic Syrian Branch,
Zonal office, Rani Seethai Hall
Anna Salai, Chennai-6.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records on the files of the 2nd respondent in CSB/SME/119/2018-19 dated 18.11.2019 and quash the same being illegal, invalid without jurisdiction and violated the Principles of natural justice and contrary to the law and direct the 2nd Respondent not to interfere with the petitioner banking transaction with other banks or other financial institutions.

For Petitioner : Mr.D.Vijaya Kumar

For Respondents : Mr.V.Ashok Kumar, CGSC,
(for R4),

Ms.M.Ramya for
Mr.K.Raja Sekaran,
(for R2 & R4);

R3: Not ready in notice

ORDER

The order passed by the 2nd respondent Catholic Syrian Bank,
dated 18.11.2019 is under challenge in the present writ petition.



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2. It is not in dispute that the petitioner company is an account holder and having transactions in the 2nd respondent Bank. The petitioner borrowed loan from the bank and committed default which resulted in initiation of action by the Bank under the provisions of the SARFAESI Act. The proceedings initiated under the SARFAESI Act is subjudized. More so, the writ petition is not entertainable.

3. The Catholic Syrian Bank is a private bank and not a State within the meaning of Article 12 of the Constitution of India. Thus, no writ is maintainable. Even otherwise, the petitioner was an alleged defaulter, the bank invoked the SARFAESI Act and the matter is now subjudized. Therefore, the petitioner is at liberty to redress his grievances in the manner known to law.

4. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

01.02.2024

Index : Yes

Speaking Order

Neutral Citation : Yes



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S.M.SUBRAMANIAM. J.,

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