



WEB COPY

W.P.No.15021 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.15021 of 2021

and

W.M.P.No.15901 of 2021

G.Venkatachalapathy

... Petitioner

Vs.

1.The General Manager,
ICICI Bank Ltd.,
Post Box No.28, Wasi Post,
Navi Mumbai – 400 073.

2.ICICI Bank Limited, (Redressal Wing),
ICICI Phone Banking Center,
ICICI Bank Tower,
7th Floor, Plot No.12,
Nanakramguda, Serilingampally,
Hyderabad – 500 032.

3.The Branch Manager,
ICICI Bank, Ltd.,
Pennadam Branch,
Cuddalore District.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent not to harass the petitioner through issuance of demand notice to settle the loan amount and to adjust the loan amount of the petitioner with the debt waiver claim and to return back the money which has been produced through the auction sale of the ornaments to the petitioner.

For Petitioner : Mr.C.Sivakumar

For R1 to R3 : No appearance

ORDER

The relief sought for in the present writ petition to direct the 3rd respondent not to harass the petitioner through issuance of demand notice to settle the loan amount and to adjust the loan amount of the petitioner with the debt waiver claim and to return back the money, which has been produced through the auction sale of the ornaments to the petitioner.

2. The prayer *per se* is misconceived. A borrower from the financial institution cannot seek a prayer by filing a writ petition to not to send a demand notice to settle the loan amount.



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3. Therefore, the petitioner is not entitled for the relief as such sought for in the present writ petition, since the financial institutions notified are entitled to invoke SARFAESI Act, if the petitioner has committed any default in repayment of loan.

4. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.02.2024

veda

Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

To

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S.M.SUBRAMANIAM, J.

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