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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

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THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.16428 of 2021

S.Arivazhagan

...

Petitioner

Vs

1. The Chief Manager,
Regional Office,
Punjab National Bank
Formerly Oriental Bank of Commerce,
Spencer Plaza II Floor,
No.769, Anna Salai, Chennai-2.

2. The Authorised Officer,
Punjab National Bank,
Formerly Oriental Bank of Commerce,
Anna Nagar, Chennai-40.

....Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to issue No due certificate in favour of the petitioner regarding home loan account No.08226011000538.

For Petitioner : Mr.T.S.Rajamohan

For Respondent : Mr.M.L.Ganesh R1
R2 – No appearance



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ORDER

This petition has been filed seeking a direction to the respondents to issue No due certificate in favour of the petitioner regarding home loan account No.08226011000538.

2. It is the case of the petitioner that the petitioner was sanctioned home loan for a sum of Rs.12 lakhs by the respondents and they have not permitted to withdraw the amount. Subsequently, the bank was informed that the petitioner has not repaid the loan amount, which was during 2014. When the petitioner produced the records and also requested the bank to verify whether the petitioner made any withdrawals, the bank conceded that the petitioner did not make any withdrawals. Still the petitioner was blacklisted by way of CIBIL rating. Till date, no recovery proceedings were initiated. Therefore, the petitioner has sent his representation on 12.09.2019, enclosing a copy of his police complaint dated 26.06.2014 requesting the respondents to issue no due certificate in respect of the above loan. Till date, no reply is forthcoming. Hence, the present writ petition.



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3. The learned counsel for the petitioner submitted that this Court may direct the respondents to consider and pass orders on the petitioners representation within the stipulated time as fixed by this Court.

4. The learned Standing Counsel appearing for the respondents submitted that for non payment of the loan amount, the respondents have already filed a claim in O.A.No.8/2016 on the file of the DRT and the same was allowed in favour of the bank. If the petitioner has any grievance in respect of no due certificate, he has to approach the DRT. Without doing so, the petitioner has filed the present petition which is not sustainable.

5. As rightly submitted by the learned Standing Counsel appearing for the respondents that the Bank has already approached the DRT for recover of loan from the petitioner and obtained order in their favour. Hence, no due certificate sought for by the petitioner cannot be granted.



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6. In view of the above, the writ petition is dismissed. However, liberty is granted to the petitioner to work out his remedy in the manner known to law. No costs.

08.08.2024

rli

Index:Yes/No

Internet:Yes/No

Speaking/Non speaking

To

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M.DHANDAPANI, J.

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