



W.P.No.21559 of 2021

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 08.08.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.No.21559 of 2021**

D.Babu

... Petitioner

Vs.

1. The Branch Manager,  
State Bank of India,  
SME Branch,  
No.1572-A, Indira Nagar (East),  
Vengikkal,  
Tiruvannamalai-606 604.

2.The Regional Manager,  
State Bank of India,  
No.16, Circletop House,  
Aparna Complex,  
7th Floor, College Road-Greams Road,  
Chennai-600 006.

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India  
praying for issuance of a Writ of Mandamus to direct the respondents to



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furnish the copy of the documents alleged signed by the petitioner in the year 2019 as well as the statement of accounts pertaining to the disputed cash credit facility loan account from the year 1997.

For Petitioner : Ms.S.Suseela Devi

For Respondents : Mr.O.Padmaprakash

### **ORDER**

This Writ Petition has been filed seeking for a direction to the respondents to furnish the copy of the documents allegedly signed by the petitioner in the year 2019 as well as the statement of accounts pertaining to the disputed cash credit facility loan account from the year 1997.

2. The learned counsel appearing for the petitioner submits that the petitioner is a Proprietor of Ganesh Polymers which was started by his uncle, namely, Rajagopal, who died on 02.08.2005. During his alive, he availed a loan/cash credit facility from the respondents Bank to the tune of Rs.1,00,000/-. After his death, the petitioner's brother, namely, Sampath, took over the business and he was relieved from the partnership in the year



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2010. Thereafter, the petitioner took charge over the Company. While so, on 01.03.2011, the first respondent obtained signature from the petitioner as well as his sister-in-law and restructured the loan as Rs.5,50,000/- charging interest and penal interest. Thereafter, the petitioner has received a demand notice dated 12.01.2021 from the first respondent, wherein a sum of Rs.6,26,485/- was demanded along with interest and charges due from 12.01.2021 under Section 13(2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. After receipt of the notice, the petitioner had sent a detailed representation dated 13.01.2021 for one time settlement, but no reply was sent. Hence, he issued legal notice through his counsel on 12.04.2021 and in reply to the same, the first respondent stated that the petitioner had not repaid the loan regularly. However, till date, the petitioner had paid a sum of Rs.16,32,875/- as interest and penal interest for the amount borrowed (i.e.,) Rs.1,00,000/- and in the legal notice, the petitioner had demanded statement of accounts and his liabilities in detail, but the respondents refused to show the documents allegedly signed by the petitioner and failed to furnish the same. Hence, the



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petitioner has filed this writ petition. However, the learned counsel submits that it would suffice, if this Court directs the respondents to consider the representation of the petitioner dated 13.01.2021.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

4. The petitioner claims that he took over the charge in the business run by his uncle, Rajagopal, who has borrowed a sum of Rs.1,00,000/- as loan from the respondents Bank and on 01.03.2011, the first respondent obtained signature from him and his sister-in-law and restructured the loan as Rs.5,50,000/- charging interest and penal interest and till date, he had paid a sum of Rs.16,32,875/- for the loan borrowed by his uncle. However, for non-payment of the loan, the first respondent Bank has issued a demand notice dated 12.01.2021 demanding a sum of Rs.6,26,485/- with interest under Section 13(2) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act,



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2002. Instead of participating in the proceedings initiated under SARFEASI Act by the first respondent, filing the present writ petition seeking for a direction to the respondents to furnish the copy of the documents allegedly signed by the petitioner in the year 2019 and the statement of accounts pertaining to the disputed cash credit facility loan account from the year 1997 is not sustainable one and the petitioner can very well download the documents sought for from the respondents through online. Hence, the prayer sought for in this petition cannot be granted. However, liberty is granted to the petitioner to work out his remedy in the manner known to law.

5. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

**08.08.2024**

NCC: Yes / No  
Index : Yes / No  
Speaking Order : Yes / No  
ssb



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**M.DHANDAPANI, J.**

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