



W.P. (MD) No.686 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

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M/s.DANTEK
Rep. By its Managing Partner,
S.Dhanabalan,
S/o. A. Sengamalai,
D.No.2/365,
Trichy Tanjore Highway,
Pudukudi Post,
Thanjore – 613 402.

... Petitioner

-vs-

1. The Deputy General Manager,
Canara Bank,
Regional Officer,
Cantonment,
Trichy – 620 001.

2. The Chief Manager,
Canara Bank,
Zonal Office,
Cantonment,
Trichy – 620 001.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus by directing the 1st respondent to consider the petitioner's representation dated 06.11.2023 on merits and in accordance with law and thereby form an appropriate committee as per the existing guidelines and thereafter take a decision with regard to revival and rehabilitation of existing loans in account numbers : 1223261010387, 3314201000026, 1223755000039 & 173000234429 payable by the petitioner's company namely M/s. DANTEK situated at D.No.2/365, Trichy Tanjore Highway Pudhukudi Post, Tanjore to the 2nd respondent ie., Canara Bank Cantonment Branch, Trichy as expeditiously as possible within time stipulation as prescribed by this Court.

For Petitioner : Mr.R.Anand

For Respondents : Mr.M.Pethurajesh

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of writ of Mandamus by directing the 1st respondent to consider the petitioner's representation



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dated 06.11.2023 on merits and in accordance with law and thereby form an appropriate committee as per the existing guidelines and thereafter take a decision with regard to revival and rehabilitation of existing loans in account numbers:1223261010387,3314201000026,1223755000039 & 173000234429 payable by the petitioner's company namely M/s. DANTEK situated at D.No. 2/365, Trichy Tanjore Highway Pudhukudi Post, Tanjore to the 2nd respondent ie., Canara Bank Cantonment Branch, Trichy as expeditiously as possible within time stipulation as prescribed by this Court.

2. The learned counsel appearing for the respondent bank has relied on a common order rendered by this Court in W.P(MD)Nos.24168 to 24171 of 2023 of 2011 dated 05.10.2023, wherein, this Court held in paragraph No.5 as follows:

“5. Power of judicial review under the Constitution need not be exercised in contractual matters except in exceptional circumstances where gross injustice has been established shocking the conscience of the Court. In normal circumstances, the contractual obligations are to be enforced in the manner contemplated under the Statutes and Rules in force. Conversion of contractual matters into Writ Petitions will set a bad precedent and the bank and



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financial institutions may not be in a position to protect the public money in the event of interference by the Courts. Therefore, aggrieved persons may approach the competent authorities or the bank or the Debts Recovery Tribunal as the case be for the purpose of redressing their grievances, so also, in the present case the petitioners are at liberty to do so in the manner contemplated.”

3. The prayer as sought for by the petitioner is to consider the representation and to form an appropriate committee. We are not inclined to go into the merits of the case.

4. Considering the request made by the petitioner, we direct the 1st respondent to consider the petitioner's representation dated 06.11.2023 and take appropriate decision in accordance with law.

5. With the above direction, this Writ Petition is disposed of. No costs.

[D.K.K., J.] [R.V., J.]
11.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM



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