



W.P.(MD) No.2169 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2024

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE P.D.AUDIKEVALU**

**W.P.(MD) No.2169 of 2023
and
W.M.P.(MD) No.1957 of 2023**

RM.Karuppaiah

... Petitioner

-VS-

- 1.The State Bank of India,
Rep by its Regional Manager, Regional Office,
Hospital Road Raja Krishnapuram,
Thanjavur District.
- 2.The Branch Manager
State Bank of India, Thirumayam Branch,
Thirumayam Post and Taluk,
Pudukkottai District.
- 3.The Reserve Bank of India.
Rep. by its Regional Director, Fort Glacis,
No. 16, Rajaji Salai, Fort St.George, Chennai.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order made by the 1st respondent in RM/TNJ/CMR/958 dated 04.11.2022 and quash the same as illegal and consequently direct the respondent to waive/write off the dues qua the petitioner in terms of the RBI Master Circular-Prudential norm on income recognition asset classification and provisioning pertaining to advances (RBI 2021-22/104) dated 01.10.2021 within a time stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.M.Ponniah for R1 and R2

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard Mr.M.Mahaboob Athiff, learned counsel for the petitioner and Mr.M.Ponniah, learned counsel for respondents 1 and 2.

2. The petitioner is challenging the order passed by the respondent Bank rejecting the application of the petitioner to write-off/waive the dues.



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3. In case the petitioner has any dispute with regard to the non-observance of the circular issued by the Reserve Bank of India, then the petitioner's remedy is before the Banking Ombudsman.

4. Learned Counsel for the Bank submits that the Bank has already filed an original application for recovery bearing O.A.No.251 of 2020 before the Debt Recovery Tribunal – II, Chennai. In that case, the petitioner can raise all the defences available to it.

5. With these observations, the writ petition is disposed of. Consequently, W.M.P. (MD) No.1957 of 2023 is closed. There shall be no order as to costs.

[S.V.G., C.J.]

[P.D.A., J.]

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Index : Yes / No

Neutral Citation : Yes / No

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THE HONOURABLE CHIEF JUSTICE
and
P.D.AUDIKESAVALU, J.

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