



W.P.(MD) No.10829 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.10829 of 2015

and

M.P.(MD) No.1 of 2015

P.Seran

.. Petitioner

Vs.

The Branch Manager,
State Bank of India,
Periyakulam Branch,
Theni District.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the respondent in Ref.56/1895 dated 18.06.2015 in respect of Jewel Loan A/c. No. 326006612437 fixing the date of auction on 01.07.2015, quash the same and consequently direct the respondent to furnish the statement of accounts with split of details for payment so far made, rate of interest, accumulation of interest and principal outstanding.

For Petitioner : Mr.K.Appadurai



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For Respondent : Mr.H.Arumugam

ORDER

The challenge in the writ petition is to an auction notice issued by the respondent-Bank, which arose out of a jewel loan that had been availed by the petitioner.

2. The dispute arises out of a contract that had been entered into between the petitioner and the respondent.

3. The Hon'ble Apex Court in the case of ***Federal Bank v. Sagar Thomas*** reported in ***(2003) 10 SCC 733*** had held that a writ petition under Article 226 of the Constitution of India cannot be maintainable against a scheduled bank. In such view of the matter, this writ petition as prayed for cannot be entertained. However, the petitioner is at liberty to approach the appropriate civil Court for remedying his grievance. If the petitioner approaches the appropriate civil Court, the period of pendency of this writ petition shall stand excluded while calculating the limitation for filing such suit.



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4. With the aforesaid liberty, this Writ Petition stands dismissed.

However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

03.12.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

The Branch Manager,
State Bank of India,
Periyakulam Branch,
Theni District.



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K.KUMARESH BABU, J.

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