



W.A.(MD).No.986 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 09.01.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

W.A.(MD).No.986 of 2016
and
C.M.P.(MD).No.5879 of 2016

S.Manthiram

.. Appellant/Petitioner

Vs.

1.The General Manager,
Reserve Bank of India,
No.16, Rajaji Salai,
Chennai.

2.The Branch Manager,
State Bank of India,
(Bazar Branch),
West Car Street,
Tuticorin District.

.. Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to allow this Writ Appeal by setting aside the order dated 26.11.2015 made in W.P.(MD).No.19250 of 2014 on the file of this Court.



W.A.(MD).No.986 of 2016

For Appellant : Mr.B.Anandan

For R-1 : No appearance

For R-2 : Mr.V.P.Rajan

JUDGMENT

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

The dispute regarding the number of jewels pledged for raising jewel loan has been converted into Writ Petition seeking a writ of Mandamus, directing the first respondent to take action against the second respondent/ Branch Manager, who has received the jewels for advancing loan.

2. The short point involved in the Writ Petition and the Writ Appeal, is that the appellant/writ petitioner alleged to have pledged 8 bangles and 1 bracelet, weighing 70.50 Grams to avail loan of Rs.1,25,000/-. A computer receipt was generated by the Branch Manager, State Bank of India, Tuticorin Bazar Branch, Tuticorin with the above particulars and issued to the appellant. Within an hour, they found that only 6 bangles and 1 bracelet



W.A.(MD).No.986 of 2016

weighing 40.5 Grams were pledged and immediately, corrective measures were taken. However, the appellant herein, without accepting the corrective measures, reiterated that he had pledged 8 bangles and 1 bracelet, having total weight of 70.50 Grams, had approached the Bank Ombudsman. Having lost in his complaint, the appellant preferred a Writ Petition seeking a writ of Mandamus.

3. The learned Single Judge had considered the submissions and had recorded that though the writ petitioner claims that he pledged 8 bangles and 1 bracelet, a contra material produced by the Bank indicates that the writ petitioner had pledged only 6 bangles and 1 bracelet. The other 2 bangles, which had already been lying in the weighing machine, which belongs to one Subbulakshmi, was wrongly included in the list of jewels pledged by the appellant/writ petitioner, S.Manthiram. In view of such disputed fact, the learned Single Judge has rightly dismissed the Writ Petition by stating that in view of disputed facts, the parties have to agitate the cause before the competent civil forum by letting in evidence, and that Article 226 of the Constitution of India cannot be invoked. Further, a



W.A.(MD).No.986 of 2016

liberty was granted to the writ petitioner to approach the competent Civil Court to workout his remedy in the manner known to law and eventually, the Writ Petition was dismissed. The reasoning of the learned Single Judge is perfectly in order and requires no interference.

4. Accordingly, the Writ Appeal is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(G.J.,J.) (C.K.,J.)
09.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



WEB COPY



W.A.(MD).No.986 of 2016

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

Lm

W.A.(MD).No.986 of 2016

09.01.2024