



W.P.(MD) No.14023 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**W.P.(MD) No.14023 of 2017
and
W.M.P.(MD) Nos.10969 and 10970 of 2017**

K.M.R.Karthikeyan

... Petitioner

/vs./

1.The Banking Ombudsman,
O/o. the Banking Ombudsman,
Tamil Nadu and Union Territories of Puducherry and
Andaman and Nicobar Islands,
Reserve Bank of India Building (II Floor),
Fort Glacis,
Post Box No.40, No.16,
Rajaji Salai, Chennai 600 001.

2.The Tamil Nadu Mercantile Bank Ltd.,
rep by its Manager,
No.280, Madurai Road,
Virudhunagar,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for
issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to



W.P.(MD) No.14023 of 2017

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the impugned order in BO(Che)/3355/C-1300/2016-17 dated 18.10.2016 on the file of the respondent No.1 and quash the same as illegal and a consequent direction directing the Respondent No.2 to reimburse the prepayment charges to the tune of INR 2, 07,000 for one year.

For Petitioner : Mr.S.Rajasekar

For R2 : Mr.N.Dilip Kumar

ORDER

The writ petition has been filed challenging the order passed in BO(Che)/3355/C-1300/2016-17 dated 18.10.2016 by the first respondent and for a direction to the second respondent to reimburse the prepayment charges to the tune of Rs.2,07,000/- for one year.

2. It had already been held by the Hon'ble Apex Court that a writ petition cannot be entertained under Article 226 of the Constitution of India against the scheduled Bank. Further, the petitioner had entered into a contract with the second respondent for availing the loan. Such disputes cannot be decided in a writ petition under Article 226 of the Constitution of India.



W.P.(MD) No.14023 of 2017

WEB COPY

3. In view of the same, the Writ Petition stands dismissed as not maintainable. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
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05.12.2024



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W.P.(MD) No.14023 of 2017

K.KUMARESH BABU, J.

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W.P.(MD) No.14023 of 2017

05.12.2024