

Serial No.14
Regular cause list

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

...
WP(C) 1441/2025
CM(3731/2025)

HAKEEM ZAFFAR ALI

.....Petitioner(s)

Through:
Mr. Sikander Hayat Khan, Adv.

Versus

THE JAMMU AND KASHMIR BANK LIMITED.

.....Respondent(s)

Through:
Mr.Shafakat Nazir, Adv.

CORAM:
HON’BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
09.07.2025

1. The petitioner through the medium of the instant petition has sought writ in the nature of mandamus directing the respondents to settle the accounts of the petitioner in terms of letter dated 09.06.2025 or in alternate consider the request of the petitioner reasonably and communicate the same to the petitioner.
2. The detailed response stands filed on behalf of the respondent-Bank in which a preliminary objection has been raised that the relief which has been sought in the instant petition is purely contractual and administrative in nature which is not amenable to the writ jurisdiction. Insofar as the prayer of the petitioner is concerned, the same has already been accorded due consideration and a consideration order in this regard has already been passed, rejecting the case of the petitioner by the competent authority on policy grounds which order till date has not been called in question.

3. A specific preliminary objection has also been taken by the Bank that the petitioner has not exhausted the alternate remedies available under law and on this ground the writ petition is not maintainable.
4. It is further case of the respondent that a borrower cannot claim an enforceable right to compel the lender to accept any one time settlement particularly when the proposal is not in tune with the Banks notified OTS policy guidelines. It has also been urged by the learned counsel appearing on behalf of the respondent that the petitioner has previously failed to comply with the earlier sanctioned OTS schemes and that too on two occasions and cannot now insist on another settlement outside the policy.
5. Heard learned counsel for the petitioner as also the learned counsel for the respondent and perused the record.
6. When the petitioner was confronted with the maintainability of the instant petition, he fairly submits that he be permitted to withdraw the instant petition with a liberty to challenge the aforesaid order of consideration before the appropriate forum, which order has been placed on record along with the writ petition, but no specific challenge has been made in the instant petition.
7. The writ petition is ***dismissed*** as withdrawn with liberty as prayed for.

(WASIM SADIQ NARGAL)
JUDGE

Srinagar
09.07.2025
"SAKEENA-PS"