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W.A.No.1293 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE P.DHANABAL

W.A.No.1293 of 2023

Monotech Systems Ltd.,
Rep. by Senior Manager Accounts,
Mr.A.Sukumar
Formerly at:
3rd Floor, City Centre, No.66, Thirumalai Road,
T.Nagar, Chennai – 600 017.
Now at:
8th Floor, “Chaitanya Exotica” No.24,
Venkatnarayana Road, T.Nagar,
Chennai – 600 017.

...Appellant

Vs.

1.Standard Chartered Bank of India,
Rep. by its Business Head,
SME Division, I Floor,
Sagar Amar Court, 59, G.N.Chetty Road,
T.Nagar, Chennai – 600 017.

2.Standard Chartered Bank,
SME Banking, 2nd Floor,
19, Rajaji Salai,



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Chennai – 600 001.

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3.The Chief Operative Officer,
Standard Chartered Bank,
Cresenzo, C38/39, G Block,
Crescent Association Club,
Bandra Curla Complex,
Bandra East, Mumbai – 400 051.

4.The Chief General Manager in Charge,
Department of Supervision,
Reserve Bank of India,
Centre India,
World Trade Centre,
Cuff Parade, Mumbai – 400 005.

5.Banking Ombudsman,
Reserve Bank of India Building,
No.16, Rajaji Salai,
Chennai – 600 001.

...Respondents

PRAYER: Writ Appeal filed under clause 15 of Letters Patent praying to set aside the impugned order dated 02.02.2023 in W.P.No.3077 of 2015 and consequently allow the W.P.No.3077 of 2015.

For Appellant : Mr.M.Abdul Razack

For Respondents : Ms.V.Aishwarya,

For Mr.R and P Partners for R1 to R3

Mr.T.Poornam for R4 and R5



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J U D G M E N T

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

The writ order dated 02.02.2023 in W.P.No.3077 of 2015 is under challenge in the present intra-Court appeal instituted under Clause 15 of the Letters Patent.

2. The writ petitioner is the appellant. The Writ Petition has been instituted seeking refund of the allegedly deducted amount towards renewal charges, foreclosure charges in a banking transaction. Admittedly, it is a commercial transaction and contractual in nature. In view of the fact that the dispute raised in the present is related to commercial transaction based on contractual obligation, such disputes are to be resolved by approaching the Banking Ombudsman or competent civil Court of law. However, the writ Court cannot adjudicate disputed facts of this nature. Thus the Writ Petition *per se* is not maintainable. The legal principles regarding maintainability of a Writ Petition under Article 226 of the Constitution of India has been considered by the Hon'ble Supreme Court of India in ***S.Shobha Vs. Muthoot Finance Ltd.*** reported in **2025 INSC 117** and the principles laid down reads as under:



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(1) *For issuing writ against a legal entity, it would have to be an instrumentality or agency of a State or should have been entrusted with such functions as are Government or closely associated therewith by being of public importance or being fundamental to the life of the people and hence Governmental.*

(2) *A Writ Petition under Article 226 of the Constitution of India may be maintainable against (i) the State Government; (ii) Authority; (iii) a statutory body; (iv) an instrumentality or agency of the State; (v) a company which is financed and owned by the State; (vi) a private body run substantially on State funding; (vii) a private body discharging public duty or positive obligation of public nature; and (viii) a person or a body under liability to discharge any function under any Statute, to compel it to perform such a statutory function.*

(3) *Although a non-banking finance company like the Muthoot Finance Ltd. with which we are concerned is duty bound to follow and abide by the guidelines provided by the Reserve Bank of India for smooth conduct of its affairs in carrying on its business, yet those are of regulatory measures to keep a check and provide guideline and not a participatory dominance or control over the affairs of the company.*

(4) A private company carrying on banking business as a Scheduled bank cannot be termed as a company



carrying on any public function or public duty.

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(5) Normally, mandamus is issued to a public body or authority to compel to to perform some public duty cast upon it by some statute or statutory rule. In exceptional cases a writ of mandamus or a writ in the nature of mandamus may issue to a private body, but only where a public duty is cast upon such private body by a statute or statutory rule and only to compel such body to perform its public duty.

(6) Merely because a statute or a rule having the force of a statute requires a company or some other body to do a particular thing, it does not possess the attribute of a statutory body.

(7) If a private body is discharging a public function and the denial of any rights is in connection with the public duty imposed on such body, the public law remedy can be enforced. The duty cast on the public body may be either statutory or otherwise and the source of such power is immaterial but, nevertheless, there must be the public law element in such action.

(8) According to Halsbury's Laws of England, 3rd Ed. Vol.30, P.682, "a public authority is a body not necessarily a country council, municipal corporation or other local authority which has public statutory duties to perform, and which perform



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the duties and carries out its transactions for the benefit of the public and not for private profit” . There cannot be any general definition of public authority or public action. The facts of each case decide the point.

3. The present case would fall under clause (4) and that being the factum, the writ order is in conformity with the legal position settled.

4. Accordingly, the order passed in the Writ Petition is confirmed and consequently, this Writ Appeal stands **dismissed**, granting liberty to the appellant to approach the competent civil Court of law. However, the period during which the Writ Petition and Writ Appeal were pending before the High Court is to be taken into consideration for the purpose of condoning the period of limitation in the event of institution of any suit by the appellant. No costs.

(S.M.S., J.) (P.D.B., J.)

21.11.2025

dsa

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Internet :Yes

Index :Yes/No

Neutral Citation :Yes/No

Speaking/Non-speaking order



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To

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- 1.Senior Manager Accounts,
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