

WP No. 24840 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 24840 of 2025

1. T.M.Shanmugam
S/o.Late.P.Muthu Gounder,
D.No.34, CHB Colony West,
Tiruchngode, Namakkal District.

2.M.Nallammal
W/o.Late.P.Muthu Gounder,
D.No.34, CHB Colony West,
Tiruchngode, Namakkal District.

Petitioner(s)

Vs

1. The Ombudsman
Reserve Bank Of India,
Fort Glacis, Chennai-600 001.

2.The Karur Vysya Bank Ltd.,
Tiruchengode Branch, Nos.77
And 78 , Theppakkulam Street,
Sankari Road, Tiruchengode-637
211, Namakkal District.

Respondent(s)

PRAYER

Writ petition filed under Article 226 of Constitution of India for the



issuance of writ of Mandamus directing the respondents to consider the petitioners representation dated 22.01.2024 and thereby, direct the 2nd respondent to the petitioners original agricultural documents (1) Document No.769/1987 dated 11.03.1987 (2) Document No.771/1987 dated 11.03.1987 (3) Document No.1442/ 1987 dated 19.06.1987 (4) Document No.1443/1987 dated 19.06.1987 and amount for a sum of Rs.2,00,000/- with interest of 9 percent per annum from the year 2005 to till date without any further delay.

For Petitioner(s): B.Sundarapandiyan
For Mrs.Rita Chandrasekar
Respondent(s): for M/s.Aiyar And Dolia,
For R1
Mr.P.Raghunathan
T/s.Gopalan and Co. for R2

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 2nd respondent to consider the representation made by the petitioner on 22.01.2024 wherein the petitioner is seeking for the return of the original documents to the petitioner pertaining to the agricultural lands and also to pay a sum of Rs.2,00,000/- with interest at the rate of 9% per annum from the year 2005 till date.

2. Heard Mr.B.Sundarapandiyan, learned counsel for the



petitioner and Mrs.Rita Chandrasekar, learned counsel for 1st
respondent and Mr.P.Raghunathan, learned counsel for 2nd
respondent.

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3. In the considered view of this Court, the petitioners are seeking for a relief as against the private bank, which is the 2nd respondent. The said writ petition is not maintainable and useful reference can be made to the latest judgement of the Apex Court in ***[S.Shobha Vs. Muthoot Finance Limited]* reported in 2025 4 CTC 327**. Paragraph 9 in the said judgement is extracted hereunder:-

9. We may sum up thus:

(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 Governmental 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



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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.

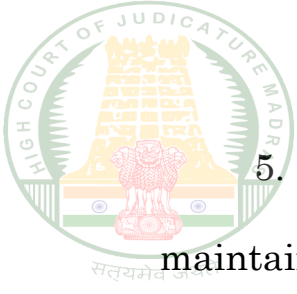
(5) Normally, mandamus is issued to a public body or authority to compel it to perform some public duty cast upon it by some statute or statutory rule. In exceptional cases a writ of mandamus or a writ in the nature of mandamus may issue to a private body, but only where a public duty is cast upon such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

4. It is also brought to the notice of this Court by the learned Counsel for the 1st respondent that till date no complaint has been given by the petitioners before the 1st respondent against the 2nd respondent.



5.

In view of the above, this writ petition is dismissed as not maintainable. It is left open to the petitioners to agitate their rights before the appropriate forum and seek for the necessary relief. No costs.

13-08-2025

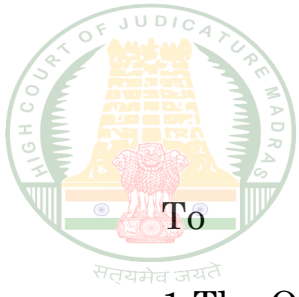
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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To

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