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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 18773 of 2023

and WMP Nos.18015, 18017, 30993 & 36262 of 2023 and 29447 of 2024

N.Nihmathullah

Petitioner(s)

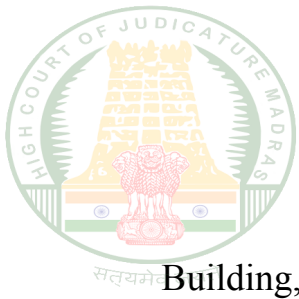
Vs

1. The Governor
Reserve Bank Of India
6, Sansad Marg,
New Delhi 110 001.

2.The Secretary to Government
Ministry of Finance,
Lib.9/773, Lodhi Colony,
New Delhi 110 003.

3.The Commissioner of Police
Greater Chennai
Vepery, Chennai 600 007.

4.The Deputy Commissioner of Police
Cyber Wing, Greater Chennai,
No. 132, Commissioner Office



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Building, EVK Sampath Road,
Vepery, Chennai 600 007.

5.The Regional General Manager
ICICI Bank,
Post Box No 1610 Dare House
Annexe 44 Moore Street,
Parrys Corner,
George Town, Chennai 600 001.

6.The Branch Manager
ICICI Bank
110, Prakash Presidium
Uthamar Gandhi Salai
(Nungambakkam High Road)
Chennai 600 034.

7.The Inspector of Police,
CCB, Chennai.

Respondent(s)

(R1-deleted as per order Dated 12.06.2024 in WP.No.18773 of 2023)

(R7 *suo motu* impleaded as per order Dated 13.02.2025 in WP.No.18773 of 2023)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, declaring that the loan account No.LPCHE00047368721 sanctioned by the respondent 5 and 6 is without proper application and consent of the petitioner and therefore the liability towards the same is unenforceable and consequently directing the 1st



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respondent to issue appropriate direction to the Respondents 2 to 6 to conduct proper enquiry based on the complaint of the petitioner dated 5.5.2023 within the time frame to be stipulated by this Court and resolve the grievance of the petitioner.

For Petitioner(s): Mr.T.S.Rajamohan

For Respondent(s): Mr.V.Meganathan
Government Advocate (Crl. Side)
for R3, R4 and R7
No Appearance for R2
Mr.Nithyaesh Natraj
for R5 and R6

ORDER

This writ petition has been filed for a writ of declaration to declare that the loan account sanctioned by the 5th and 6th respondents is without proper application of mind and without the consent of the petitioner and therefore, the liability towards the same is unenforceable and consequently, directing the 1st respondent to conduct an enquiry based on the complaint given by the petitioner on 05.05.2023.



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2.Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

3.The present writ petition is totally misconceived. The petitioner is seeking for relief as against the private Bank. The Apex Court in the latest Judgement in *S.Shobha vs. Muthoot Finance Ltd.*, reported in **2025 4 CTC 327** categorically held that such a writ petition as against the private Bank cannot be maintained, since the Bank does not come within the purview of Article 12 of the Constitution of India. Specific reliance can be placed on Paragraph 9 of the said judgement. The grievance of the petitioner is as against the private Bank and the nature of relief that has been sought for by the petitioner cannot be dealt with in the writ petition. If at all the petitioner has any grievance against the Bank, he must only approach the concerned Court/Forum and seek for redressal. Except giving this clarity, no further orders can be passed in this writ petition.



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4.This writ petition is disposed of in the above terms. No Costs.

Consequently, connected miscellaneous petitions are closed.

19-08-2025

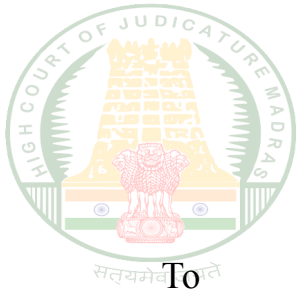
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

ssr



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