



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 15.04.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HONOURABLE MRS JUSTICE S.SRIMATHY**

W.P(MD)No.9766 of 2025

B.Sivakumar
Balakrishnan and Co.,Arul Ayyanar Rice Mill,
Chinthamani Road,
Madurai – 625 009. ... Petitioner

.Vs.

1.The Branch Manager,
South Indian Bank,
No.19, H19,80 feet Road, Anna Nagar,
Madurai – 625 020.

2.The Regional Manager,
South Indian Bank Limited,
First Floor, YMCA Building,
Opposite to Astoria Hotels,
70 Feet Road,Ellis Nagar,
Madurai – 625 016. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to convert the Bank Guarantee due into CC Loan



Amount by considering the representation to all the respondents,
dated 23.2.2025.

For Petitioner : Ms.P.Devishree Nachiyar

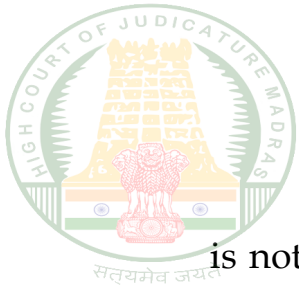
ORDER

DR.G.JAYACHANDRAN., J
AND
S.SRIMATHY.,J

The Writ Petitioner/borrower from South Indian Bank Limited to the tune of Rs.400 cores, is before this Court seeking issuance of a Writ of Mandamus directing the respondents to convert the Bank Guarantee due into CC Loan Amount by considering the representation of the Petitioner, dated 23.02.2025.

2.Heard the learned counsel for the Petitioner and perused the materials placed before this Court.

3.The account of the Petitioner/borrower become a non performing asset and hence, proceedings have been initiated under SARFAESI Act.The representation for conversion of one type of loan into another, is the prerogative of the Bank which has lend the loan and take steps for recovery of the same. Hence, the Writ Petition filed to direct the Bank to consider the representation



WEB COPY

is not maintainable, when there is a composite statute covers the banking transactions between the borrower and the financier.

4.Hence the Writ Petition stands dismissed. However, the dismissal of the Writ Petition will not stand in the way of the respondents/Bak to consider the representation of the Petitioner, if it is feasible. No costs.

[G.J.J.] [S.S.Y.J.]
15.04.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To

- 1.The Branch Manager,
South Indian Bank,
No.19, H19,80 feet Road, Anna Nagar,
Madurai – 625 020.
- 2.The Regional Manager,
South Indian Bank Limited,
First Floor, YMCA Building,
Opposite to Astoria Hotels,
70 Feet Road,Ellis Nagar,
Madurai – 625 016.



WEB COPY





WEB COPY



DR.G.JAYACHANDRAN, J.
and
S.SRIMATHY, J.

vsn

JUDGMENT MADE IN
W.P(MD)No.9766 of 2025

15.04.2025