



W.P(MD)No.23579 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.09.2025

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

Writ Petition(MD)No.23579 of 2025
and W.M.P(MD).No.18513 of 2025

E.Nanayan

..Petitioner

Vs

- 1.The Ombudsman,
C/o Reserve Bank of India,
Fort Glacis, Chennai 600 001.
- 2.The District Collector,
Theni, Theni District.
- 3.The Managing Director,
Tamil Nadu Mercantile Bank Ltd.,
269/2-4, 2nd Floor, Loyds Road,
Rayapet, Chennai -14.
- 4.The Manager,
Tamil Nadu Mercantile Bank Ltd.,
Head Office (Southern Zone)
60, Sunrose Tower,
Madurai Main Road, Kamarajar Salai,
Madurai.
- 5.The Regional Manager,
Tamil Nadu Mercantile Bank Ltd.,
Bharathipuram, Cheno Nagar, Chennai.
- 6.The Authorized Officer/The Manager,
Tamil Nadu Mercantile Bank Ltd.,
Mailadumparai Branch, Theni District.

..Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the first respondent to consider and pass order to the respondents 3 to 6 by allowing petitioner to repay the loan amount after one year without cumulative interest on the basis of the petitioner's last representation.

For Petitioner : Mr.S.L.Venkatesan

For R2 : Mrs.D.Farjana Dhoushia
Special Government Pleader

ORDER

The petitioner seeks a mandamus to the respondents 3 to 6 to consider his request for repayment for the loan amount in installments without cumulative interest.

2. The petitioner had borrowed a sum of Rs.13,10,318/- from the sixth respondent for agricultural purpose. He had paid some amount as installment. On account of his ill-health, he was unable to pay the due amount to the respondents 3 to 6. He is also struggling for medical expenses. Hence, the petitioner sent a representation to the respondents 3 to 6 seeking to grant grace period of one year to repay the loan amount. But, the same has not been considered. Thereafter, the petitioner sent reminder to the respondents, however the same has not been considered. Hence, this petition.



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3. The learned Special Government Pleader appearing for the second respondent would submit that the third respondent bank is the private bank and does not fall within the ambit of 'State'. The relief is claimed only against the respondents 3 to 6 and the inclusion of respondents 1 and 2 appears to be made only to bring the writ petition within the jurisdiction of this Court.

4. As already stated, the third respondent is the private bank and the complaint of the petitioner that he is unable to pay the loan amount and that he would be permitted to pay in installments. It is purely a commercial activity and does not fall within a public duty, which the bank does perform. In the above circumstances, the invocation of the jurisdiction of this Court under Article 226 of the Constitution of India is totally misconceived. Hence, this Writ Petition is dismissed. No costs.

02.09.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

Rmk

To

The District Collector,
Theni, Theni District.

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P.T.ASHA, J.

Rmk

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