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Court : Chennai Madurai

Decided On : Nov-26-2015

Judge : K. Ravichandrabaabu

Appeal No. : Writ Petition (MD) No. 19250 of 2014

Appellant : S. Manthiram

Respondent : The General Manager, Reserve bank of India, Chennai and Another

Judgement :

(Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to take action against the second respondent to return back the eight bangles and one bracelet and on the same day receive the sum of Rs.1,25,000/-.)

1. This writ petition is filed seeking for a Mandamus directing the first respondent to take action against the second respondent and to return back the eight bangles and one bracelet belonging to the petitioner.

2. According to the petitioner, he pledged eight bangles and one bracelet with the second respondent bank and therefore, the same have to be returned to him, after receiving the necessary amount from him. Since the same are not returned, he

has come forward with this writ petition with the prayer as stated supra.

3. On the other hand, it is contended by the learned Standing Counsel appearing for the second respondent that the petitioner has not pledged eight bungalows and he pledged only six bungalows and one bracelet and therefore, he cannot seek for return of eight bungalows, as sought for in this writ petition.

4. According to the learned Standing Counsel for the second respondent bank, the other two bungalows which were already lying in the weighing machine belong to one Subbulakshmi and therefore, the petitioner cannot claim those two bungalows also as that of himself.

5. Undoubtedly, these rival contentions with disputed facts are not for this court to consider and decide by exercising its power under Article 226 of the Constitution of India, as those disputed question of facts have to be agitated only before the competent civil forum by letting in evidence. Therefore, this Court is not inclined to entertain this writ petition.

6. Accordingly, this writ petition is dismissed without expressing any view on the merits and contentions raised by the respective parties, however, by giving liberty to the petitioner to approach the competent civil Court and work out his remedy in the manner known to law. No costs.

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