



WEB COPY



W.P.No.31299 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP No.31299 of 2023

and WMP Nos.30913, 30914 and 15097 of 2024

1. Nandhi Dall Mills
Registered Firm
Rep. by its Partners,
No.270, Narasimman Road,
Shevapet, Salem-636 002.
2. S.A.Kumar,
Partner of D-1 Firm,
S/o.V.Arunachala Nadir,
No.270, Narasimman Road,
Shevapet, Salem-636 002.
3. K.Jayanthi
Partner of D-1 Firm,
W/o.S.A.Kumar,
No.270, Narasimman Road,
Shevapet, Salem-636 002.
4. K.Arun,
Partner of D-1 Firm,
S/o.S.A.Kumar,
No.270, Narasimman Road,
Shevapet, Salem-636 002.

Petitioner(s)



W.P.No.31299 of 2023

Vs

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1. Identification Committee for Wilful Defaulters,
IDBI Bank Limited, 2nd Floor,
IDBI Building, 115, Anna Salai,
Saidapet, Chennai-15.
2. Review Committee For Wilful Defaulters,
IDBI Bank Limited, 2nd Floor,
IDBI Building, 115, Anna Salai,
Saidapet, Chennai-15.
3. IDBI Bank Limited
Rep. by its Deputy General Manager
and Authorised Officer,
IDBI Bank Limited, 2nd Floor,
IDBI Building, 115, Anna Salai,
Saidapet, Chennai-15.
4. The Reserve Bank of India,
Rep. by its Governor,
8th Floor, Central Office Building,
Shahid Bhagat Singh Road,
Mumbai - 400 001.
(R4-Suo Motu impleaded as per order
dated 01.08.2024)

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the second respondent in respect of the communication dated 27.06.2023 communicating the order No.WDRC/02/(FY-2023-24)/NDM, dated 31.05.2023 and quash the same as being prejudicial, unfair and against the spirit and circulars pertaining to willful default.

For Petitioner(s): Mrs.Ananda Gomathy



WEB COPY



W.P.No.31299 of 2023

For Respondent(s): Mr.K.Balamurali
for M/s.Shivakumar and Suresh
for R1 to R3

Mr. C.Mohan
for Ms.A.Rexy Josephine Mary
for M/s.King and Partridge
for R4

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioners have filed this writ petition seeking issuance of a writ of certiorari to call for the records of the second respondent in respect of the communication dated 27.06.2023 communicating the order No.WDRC/02/(FY-2023-24)/NDM, dated 31.05.2023 and quash the same as being prejudicial, unfair and against the spirit and circulars pertaining to willful default.

2. The petitioners, in effect, are challenging the proceedings of the second respondent, which is the Review Committee of the IDBI Bank Limited, which is a banking company. Though Reserve Bank of India has been arrayed as the fourth respondent, no relief is sought against it.



W.P.No.31299 of 2023

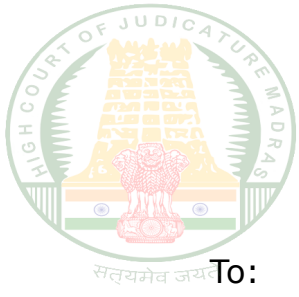
3. In the case on hand, it is asserted by the respondent/bank in its counter affidavit that it is a "banking company" and does not perform any sovereign function of the State and, therefore, the writ petition is not maintainable.

4. It is a well-settled proposition of law that a writ petition under Article 226 of the Constitution of India can only be issued against a State, its instrumentalities, or a private body discharging a public function or statutory public duty. Therefore, a writ petition against a private bank is not maintainable under Article 226 of the Constitution of India.

For the foregoing reasons, the writ petition is dismissed as not maintainable, leaving it open to the petitioners to work out their right in the manner known to law. There shall be no order as to costs. Consequently, interim applications stand closed.

(SUSHRUT ARVIND DHARMADHIKARI,CJ) (G.ARUL MURUGAN,J)
18.06.2026

Index : Yes/No
Neutral Citation : Yes/No
sasi



W.P.No.31299 of 2023

To:

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The Governor,
Reserve Bank of India,
8th Floor, Central Office Building,
Shahid Bhagat Singh Road,
Mumbai - 400 001.



WEB COPY



W.P.No.31299 of 2023

THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(sasi)

WP No.31299 of 2023

18.06.2026