

(2013) 02 KAR CK 0108

In the Karnataka High Court

Case No : Writ Petition No. 8612 of 2011 (GM-RES)

K.S. Srinivas

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 27-02-2013

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2013) 3 KarLJ 627

Hon'ble Judges : S. Abdul Nazeer, J

Bench : Single Bench

Advocate : Deepak J. for Sri Y.R. Sadashiva Reddy, for the Appellant; J. Pradeep Kumar, for the Respondent

Judgement

S. Abdul Nazeer, J.—Heard the learned Counsel for the parties. In this case, the petitioner has sought for declaration that Clause 4 of the Insurance Policy is unconstitutional and for a writ of mandamus directing respondents 2 and 3 to pay balance of the amount of Rs. 1,41,362.32 to the petitioner and for certain other reliefs.

2. As noticed above, in the writ petition, petitioner has sought relief against respondents 2 to 4. No relief has been sought against Union of India-respondent 1.

3. In Federal Bank Ltd. Vs. Sagar Thomas and Others, the Apex Court has held that a private company carrying on banking business as a scheduled Bank cannot be termed as an institution or a company carrying on any statutory or public duty. Merely regulatory provisions to ensure that commercial activity carried on by private bodies work within a discipline, neither confer any status upon the company nor put any obligation upon it which may be enforced through issuance of a writ under Article 226 of the Constitution of India. Therefore, this writ petition is not maintainable. It is accordingly dismissed. However, liberty is reserved to the petitioner to approach the Competent Court/Authority for appropriate reliefs. All contentions on merit are kept open. No costs.