

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 33426 of 2010

-

ORDER:

-

Heard learned counsel for the petitioner, learned Government Pleader for Home appearing for respondents 1 and 2 and learned standing counsel for the 3rd respondent.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent No.3 in deputing collection agents to collect money who are interfering with the personal life and liberty of the petitioner by visiting his residence and office, as illegal and arbitrary; and consequently direct respondent No.3 not to interfere with the personal liberty of the petitioner and follow the due process of law for recovery of the loan.

The petitioner is alleged to have availed two loans from respondent No.3 bank vide loan account Nos.LPVPM00010640564 and LPVPM00012326838, which are payable in 48 equal monthly instalments. The petitioner paid E.M.I. for a period of 12 months and subsequently, due to financial constraints, could not pay the amounts which was intimated to respondent No.3 bank with a request to reduce the EMI for the purpose of payment of instalments regularly. It is stated that without considering the request of the petitioner, respondent No.3 started sending their men and agents to the house and office of the petitioner, who started interfering with the personal life of the petitioner by visiting the house demanding money. Challenging the action of respondent No.3, the present writ petition came to be filed.

On 30.12.2010 while admitting the writ petition, this Court directed respondent No.3 not to send their agents either to the house or to the office of the petitioner for recovery of loan amounts without following the due process of law.

At the time when the matter is taken up for hearing, learned counsel for respondent No.3 would submit that no illegal or unwarranted action is being initiated by respondent No.3 and the allegations made in the affidavit filed in support of the writ petition are all false.

Having regard to the circumstances of the case and in view of the interim order passed by this Court, the writ petition is disposed of directing respondent No.3 not to adopt illegal measures for recovery of the loan amounts from the petitioner except following the due process of law. It is needless to mention that the petitioner shall not alienate or otherwise encumber the properties that are offered as security for repayment of loans. No order as to costs.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

28th September, 2015

cbs

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 33426 of 2010

28th September, 2015

cbs