

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 1541 of 2011

ORDER:

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Heard learned counsel for the petitioner, Government Pleader for Home and Sri Y.N.Vivekananda, learned Standing Counsel for respondent No.3.

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 the money, who are interfering with the personal life and liberty of the petitioner by visiting his residence and office in odd hours, contrary to the guidelines issued by Reserve Bank of India, as illegal and arbitrary; and consequently direct respondent No.3 not to interfere with the personal liberty of the petitioner and follow due process of law for recovery of the loan.

The petitioner is alleged to have availed a loan from respondent No.3 bank vide loan account No.13113468, which is payable in 48 equal monthly instalment. The petitioner paid E.M.I. for a period of 11 months and subsequently, due to financial constraints, could not pay the amounts which was intimated to the respondent No.3 bank with a request to reduce the EMI for the purpose of payment of instalment 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 in odd hours demanding money. Challenging the action of respondent No.3 the

present writ petition came to be filed.

On 29.01.2011 while admitting the writ petition, this Court directed respondent No.3 not to take any coercive steps for recovery of amount without following due process of law.

At the time when the matter is taken up for hearing, learned counsel for respondent No.3 submitted that no illegal or unwarrant 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 amount 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 loan. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

16.09.2015
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