

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.25517 of 2011

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Revenue. With the consent of both the parties, the writ petition is disposed of at the admission stage itself.

The writ petition is filed seeking issuance of Writ of Mandamus declaring the acts of the respondent in threatening to take away the household articles belonging to the petitioner under the guise of recovery of loan amount, as illegal and arbitrary.

The averments in the writ petition are as under:

The petitioner is a self-help group consisting of 10 members and they opened bank account in the respondent bank. It is stated that basing on their financial track in the bank, the respondent has offered to sanction a loan of Rs.3.00 lakhs with interest @ 25 paise per hundred per month. In pursuance of said offer, the petitioner group obtained loan of Rs.3.00 lakhs from the respondent and re-paid Rs.53,530.50 paise as

on 06-09-2011. But the respondent had adjusted the said amount towards interest by charging interest @ Rs.1/- per hundred per month against their assurance. It is stated that the petitioner group is ready to pay the loan, provided if the loan is calculated with interest @ 0.25 paise per 100/- as agreed by the respondent at the time of sanctioning loan. It is stated that the respondent has been sending their officials to the houses of petitioner group who are threatening to seize their household articles towards recovery of the loan amount. Hence, the writ petition.

Learned counsel for the petitioner submits that as on the date, the total amount due by the members of Sangam is to an extent of three lakhs. He further submits that the respondent-officials are trying

to recover the loan by using third degree methods and as such seeks a direction to the respondents not to take any action without following due process of law.

Learned counsel for the respondent submits that no action would be taken against the petitioner without following the due process of law.

Having regard to the above, the writ petition is disposed of by directing the respondent to follow the due procedure for the recovery of loan amount due by the petitioner.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

C. PRAVEEN

KUMAR, J

15-07-2015

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