

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.16462 of 2016

and

W.M.P.No.14226 of 2016

D.Ramkumar

.. Petitioner

Vs.

UCO Bank,
Adyar Branch,
Rep. by its Senior Manager,
Old No.37, New No.85,
1st Main Road,
Gandhi Nagar, Adyar,
Chennai - 600 020

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondent from harassing the petitioner in any manner outside the scope of law.

For Petitioner : Mr.P.V.Sudakar

For Respondent : Mr.M.Muthukumaran

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2. The petitioner has come forward with the present Writ of Mandamus forbearing the respondent from harassing the petitioner in any manner outside the scope of law.

3. The petitioner has availed a loan for purchase of heavy transport vehicle from the respondent. On account of the discrepancies in the statement of account, the respondent bank issued a securitization notice dated 12.05.2015. Possession notice was given on 24.12.2015. The same was preceded by a demand notice dated 04.04.2015. The petitioner has filed an appeal in S.A.No.78 of 2016 challenging the possession notice dated 24.12.2015 before the Debts Recovery Tribunal, Chennai. After filing the said application, the respondent withdrew the possession notice dated 24.12.2015 by the bank's letter dated 10.03.2016. Thereafter, the

respondent filed O.A.No.53 of 2016 under the Recovery of Debts due to Banks and Financial Institution Act for recovery of the dues. Summons were issued by the Tribunal on 13.01.2016. The petitioner initiated separate proceedings for defense in the said O.A. Thereafter, the respondent issued fresh possession notice dated 12.03.2016. The respondent having made errors in calculation of interest and calculation of correct dues, found their case weak and hence, they started adopting illegal methods. On 20.04.2016, the officials and staff of the respondent bank accompanied by goondas and thugs numbering more than 30 persons carrying banners and placards raising slogans against the petitioner in front of the petitioner's house. The respondent is not entitled to do so. Having initiated legal proceedings, the respondent is entitled to recover the debts only in accordance with law. The respondent by adopting illegal methods to recover the loan amount, harassing the petitioner. Hence, he has come forward with the present writ petition.

4. Heard the submissions of learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

5. The learned counsel appearing for bank on instruction submits that the present writ petition has been filed with false statements. In fact, absolutely there is no intention on the part of the respondent to harass the petitioner. Having initiated the legal proceedings, the bank will workout the remedy only in those legal proceedings.

6. In view of the submission made by the learned counsel appearing for the bank, there is no need to give any specific direction.

7. Recording the submissions of the learned counsel for the respondent, this writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

mrp

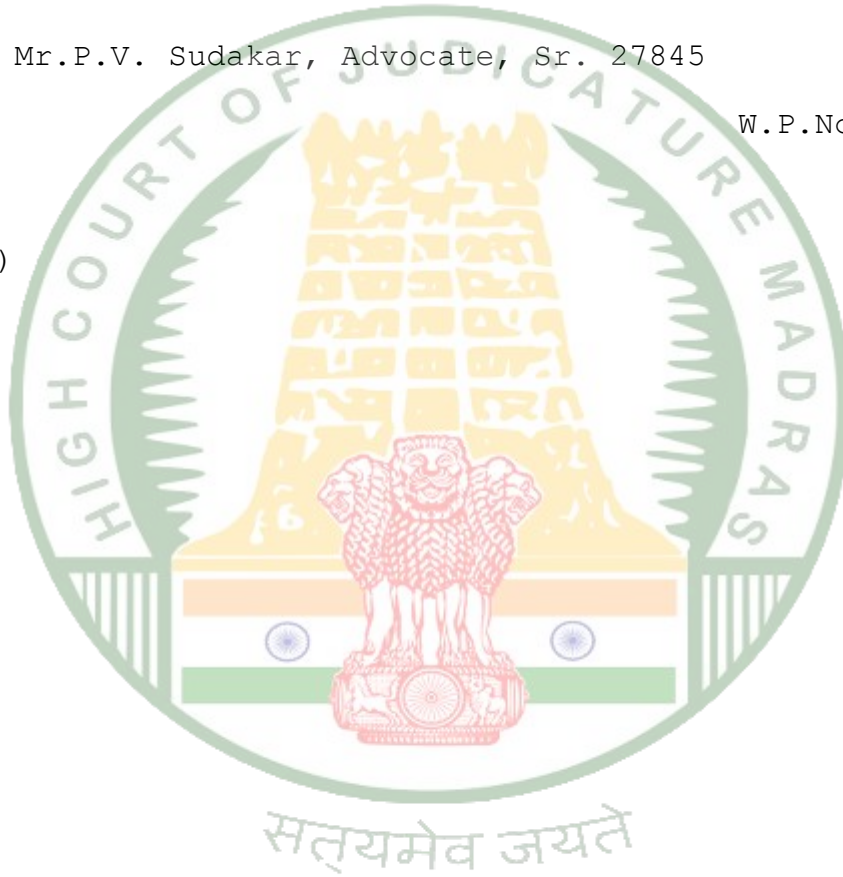
To

UCO Bank,
Adyar Branch,
Rep. by its Senior Manager,
Old No.37, New No.85,
1st Main Road,
Gandhi Nagar, Adyar,
Chennai - 600 020.

1 cc to Mr.P.V. Sudakar, Advocate, Sr. 27845

W.P.No.16462 of 2016

PVS (CO)
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