



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P(MD) .No.7322 of 2014

1.B.Venkatesan

2.V.Uma Nachiar

...Petitioners

Vs

1. The District Collector,
Theni District,
Theni.

2. The Revenue Divisional Officer,
Thamaraikulam,
Periyakulam,
Theni District.

3. The District Revenue Officer,
Theni, Theni District.

4. The Branch Manager,
Muthoot Pincorp Limited,
Vaigaidam Road
City Union Bank Upstairs,
Thenkarai, Periyakulam,
Theni District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of mandamus directing the 2nd respondent herein to complete the enquiry in the Proceedings in Na.Ka. No. 7378/13/A4 dated 04.01.2014 within time stipulated by this Court and consequently direct the 4th respondent herein to permit the petitioner's to redeem their jewel.

For petitioner : Mr.K.Ashok Kumar Ram

For Respondents : Mr.J.Gunaseelan Muthiah

Govt. Advocate for RR-1 to 3

Mr.P.Pethu Rajesh for R-4

ORDER

The petitioner has filed this writ petition, seeking a direction, directing the 2nd respondent herein to complete the enquiry in the Proceedings in Na.Ka.No. 7378/13/A4 dated 04.01.2014 within time stipulated by this Court and consequently direct the 4th respondent herein to permit the petitioners to redeem their jewel.



2. According to the petitioners, the first petitioner/husband pledged the jewels weighing 39 grams with the fourth respondent on 23.08.2011 and the second petitioner/his wife also pledged the jewels weighing 54 grams on 25.08.2012. Thereafter, the petitioner approached the fourth respondent to redeem the jewels. But the fourth respondent demanded penal interest also. In the above circumstances, they filed complaints before the District Consumer Forum, Theni in Consumer Case Nos.14 and 17 of 2013, seeking compensation and the District Consumer Forum, by an order dated 20.12.2013 passed an order, directing the petitioners to pay a sum of Rs.76,000/- and Rs.1,20,600/- being the original loan amount with the interest at the rate of 16% and also to pay Rs.3,000/- towards costs. Subsequently, the first petitioner filed a complaint before the second respondent for taking action against the fourth respondent for excess interest, since no order has been passed, the present writ petition has been filed.

3. Admittedly, the petitioners themselves approached before the District Consumer Forum and invited an order, wherein, they were directed to pay a sum of Rs.76,000/- and Rs.1,20,700/- along with interest and costs from the date of the loan. After inviting the orders, it is not open to the petitioners to make a complaint before the second respondent.

4. In view of the above, the writ petition is dismissed. However, the petitioners are directed to pay the principal loan amount along with interests and costs, from the date of receipt of loan amount till date, as directed by the District Consumer Forum within a period of three months. In the event of petitioner's paying such amount, the fourth respondent is directed to return the jewels. If the petitioners fail to do so, within the time stipulated, it is open to the fourth respondent to initiate proceedings for recovery of amount. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1. The District Collector,
Theni District, Theni.
2. The Revenue Divisional Officer,
Thamaraikulam, Periyakulam,
Theni District.

<https://hcservices.ecourt.gov.in/services> Revenue Officer,
Theni, Theni District.



4. The Branch Manager,
Muthoot Pincorp Limited,
Vaigaidam Road
City Union Bank Upstairs,
Thenkarai, Periyakulam,
Theni District.

1 cc to Mr.Pethu Rajesh, Advocate - SR.68111

1 cc to Mr.K.Ashok Kumar Ram, Advocate - SR.67972

W.P (MD) .No.7322 of 2014

11.11.2016

vs

PBK/CK 20/12/2016 ::3P-7C: