

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.25419 of 2012

ORDER :

This writ petition is filed by the petitioner seeking *Mandamus* to declare the action of respondent Nos.1 to 3 in not taking action against respondent No.4 – Finance Company in collecting compound interest on the loans, collection of amounts by sending anti-social elements, as illegal and depriving the life and personal liberty enshrined under Article 21 of the Constitution of India and, consequently, sought a direction to respondent Nos.1 to 3 to take appropriate action against respondent No.4 Company.

2. The petitioner has availed vehicle loan from 4th respondent Company and paying the instalments regularly. On 15.07.2012, the men of 4th respondent Company asked the petitioner to pay extra amount by calculating compound interest on the loan amount. When the petitioner resisted their illegal action in collecting compound interest, the men of 4th respondent Company tried to take away his two wheeler vehicle and threatened him with dire consequences. The petitioner states that not only the 4th respondent Company, but also other finance companies are doing the same by collecting excess amount without properly maintaining the registers and causing loss to the Exchequer by not paying the required taxes. The grievance of the petitioner is that the respondent Nos.1 to 3 are not taking action against respondent No.4 Company in threatening the petitioner to pay the excess

amount, instead of recovering the amount due by following the procedure established by law.

3. Heard learned counsel for the petitioner as well as learned counsel for the 4th respondent and perused material available on record.

4. It is to be noted that the averments made by the petitioner are vague in nature. It is not stated whether the petitioner approached the police when he was threatened by the men of 4th respondent Company and no particulars are given as regards the amount due by the petitioner and what is the amount collected by the 4th respondent Company from the petitioner by way of compound interest. Moreover, in this case, State is not made a party to the writ petition. Therefore, I do not see any merit in this writ petition warranting interference by this Court.

5. Accordingly, this writ petition is dismissed. However, it is open to the petitioner to approach the authorities concerned, if the 4th respondent Company officials threaten him for recovery of excess amount. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A. RAJASHEKER REDDY, J

17.02.2016.

Msr

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