



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2017

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P(MD)No.7147 of 2017
and W.M.P. (MD) No.5645 of 2017

Ramesh

..Petitioner

Vs

1.Union of India,
Rep. by Secretary to Government,
Ministry of Finance,
Jeevan Deep Building,
Parliament Street,
New Delhi - 1.

2.The Assistant General Manager,
Reserve Bank of India,
Main Building,
Post Box No.901,
Sahid Bhagatsingh Road,
Mumbai - 400 001.

3.The Secretary to Government,
Finance Department,
Secretariat,
Fort St. George,
Chennai.

4.The General Manager,
Sriram Transport Finance Company Ltd.,
No.4 Lady Desiga Road,
Mylapore,
Chennai.

5.The Branch Manager,
Sriram Transport Finance Company,
No.44/62 Ezhill Complex 1st Floor,
V.O.C. Street,
Sivagangai - 630 461.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents 1 to 3 herein to consider the representation of the petitioner dated 17.03.2017 regarding the



function of financial activities being conducted by Respondents 4 & 5 herein which is contrary to law.

For Petitioner : Mr.A.Shajahan

For 1st Respondent : Mr.Paulpandian

For 3rd Respondent : Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

The petitioner has approached this Court seeking a direction to the Respondents 1 to 3 herein to consider the representation of the petitioner dated 17.03.2017 regarding the function of financial activities being conducted by Respondents 4 & 5 herein.

2.Mr.Paul Pandian, learned Central Government Standing Counsel takes notice for the 1st respondent and Mr.A.Muthukaruppan, learned Additional Government Pleader takes notice for the 3rd respondent. By consent, this Writ Petition is taken up for final disposal at the time of admission itself.

3.The case of the petitioner is that he purchased a Tractor by availing a loan from the 5th respondent for a sum of Rs.4,50,000/-. However, according to the petitioner, the 5th respondent claimed a sum of Rs.4,49,229/- including penalty for default towards discharge of the entire loan amount. The claim of the 5th respondent is disputed by the petitioner. While such being the case, the petitioner has come forward with this petition seeking a Writ of Mandamus, directing the respondents 1 to 3 herein to take action regarding the financial activities of the respondents 4 and 5.

4.Such a relief sought for in the writ petitioner cannot be granted by this Court while exercising the extraordinary jurisdiction under Article 226 of the Constitution of India. Moreover it is seen from the averments made in the affidavit filed in support of the Writ Petition that there is no materials available for granting the relief. The entire grievance of the petitioner is relating to a dispute in settlement of the loan amount to the 5th respondent. When such being the case, it is always open to the petitioner to contest the claim made against him by approaching appropriate forum. This Court cannot be dragged into the controversy relating to payment or non-payment of loan amount between the petitioner and the 5th respondent.

<https://hcservices.ecourts.gov.in/hcservices/> 5.In such view of the matter, this Writ Petition is not maintainable and the same is dismissed. Consequently, connected



Miscellaneous Petition is also dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD-II)

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/True Copy/

Sub Assistant Registrar.

To

- 1.The Secretary to Government,
Ministry of Finance,
Union of India,
Jeevan Deep Building,
Parliament Street,
New Delhi - 1.
- 2.The Assistant General Manager,
Reserve Bank of India,
Main Building,
Post Box No.901,
Sahid Bhagatsingh Road,
Mumbai - 400 001.
- 3.The Secretary to Government,
Finance Department,
Secretariat,
Fort St. George,
Chennai.

+1CC to M/S.P.Paul Pandi, Advocate, SR.No. 52648
+1CC to M/S.A.Shajahan, Advocate, SR.No. 52693
+1CC to the Special Government Pleader SR.No. 53163

W.P(MD)No.7147 of 2017
and W.M.P. (MD) No.5645 of 2017

sj

AM/SKN/SAR 2/02.05.2017/3P/7C