



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.03.2017
CORAM

THE HONOURABLE MR. JUSTICE R. SUBRAMANIAN

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W.P(MD) No. 3194, 4081, 4082,
4273 to 4276, 4306, 13162, 13147 of 2013
and
connected miscellaneous petitions

W.P(MD) No. 3194 of 2013

M. Perumal

.. Petitioner

Vs.

1. The Inspector of Police
Theni Police Station,
Theni District.

2. The Muthoot Finance
Fincorp Limited
A.M. Towers, Theni.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus directing the 1st respondent to take appropriate further steps in C.S.R No. 190 of 2013 dated 25.02.2013 and direct to handover the jewels to the petitioner from the 2nd respondent.

For Petitioner	: Mr. J. Senthilkumar
For Respondents	: Mr. Aayiram K. Selvakumar Government Advocate (for R1) Mr. V. Ragavachari (for R2)

WP(MD) No. 4081/2013

1 A. ANANDI,

... Petitioner

- Vs. -

1 THE DISTRICT COLLECTOR, O/O. THE DISTRICT COLLECTOR, MADURAI.

2 THE MANAGING DIRECTOR, MUTHOOT FIN CORP LTD., 6/652, A.
PANDYAN COMPLEX, MADURAI MAIN ROAD, CHEKKANOORANI, MADURAI.

... Respondents

Prayer in WP(MD). 4081/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS directing the 1st Respondent to take action against the 2nd Respondent on the basis of the complaint given by the



Petitioner dated 12-03-2012 in accordance with law.

For Petitioner :C.Jeganathan

For Respondents:S.Satheesh kumar, Additional Government
Pleader for R1

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V.Raghavachari for R2

WP (MD) No.No.4082/2013

L.ANBUSELVAM, . ..Petitioner

1 THE DISTRICT COLLECTOR, O/O. THE DISTRICT COLLECTOR, MADURAI.

2 THE MANAGING DIRECTOR, MUTHOOT FIN CORP LTD., 6/652, A.
PANDYAN COMPLEX, MADURAI MAIN ROAD, CHEKKANOORANI, MADURAI.

... Respondents

Prayer in WP(MD). 4082/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS, directing the 1st Respondent to take action against the 2nd Respondent on the basis of the complaint given by the Petitioner dated 12-03-2012 in accordance with law.

For Petitioner:C.Jeganathan

For Respondents:S.Satheesh kumar,

Additional Government Pleader for R1

V.Raghavachari for R2

WP (MD) No.4273/2013:

1 R. PRABHULINGAM, ... Petitioner

- Vs. -

1 THE CHIEF GENERAL MANAGER, RESERVE BANK OF INDIA, CENTRAL OFFICE, MUMBAI, MAHARASTRA.

2 THE GENERAL MANAGER, RESERVE BANK OF INDIA, DEPT. OF NON-BANKING FINANCE COMPANIES, REGIONAL OFFICE, TRIVANDRUM, KERALA.

3 THE DISTRICT COLLECTOR, MADURAI DISTRICT.

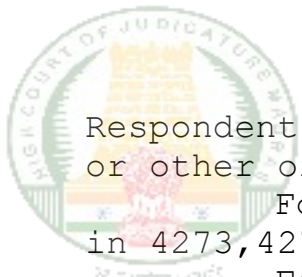
4 THE TAHSILDAR, MELUR, MADURAI DISTRICT.

5 M/S. MUTHOOT FINCORP. LIMITED, HAVING ITS BRANCH OFFICE AT NO.747 MAIN ROAD, MELU, MADURAI DISTRICT.

... Respondent(s)

Prayer in WP(MD). 4273/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the Respondents 1 to 4 herein to consider the representation dated 15.3.2013 of the petitioner regarding the functioning of Financial activities being conducted by the 5th



Respondent herein which is contrary to Law and pass such further or other orders as this Honble Court.

For Petitioner: AL.Ganthimathi
in 4273,4274,4275,4276

For Respondents: Mr.K.R.Laxman for R1&R2
in 4273,4274,4275,4276 Mr.S.Kumar, Additional Government
Pleader for R3&R4
Mr.V.Raghavachari for R5

WP (MD) No.4274/13:

1 S.KARTHICK, ... Petitioner

- Vs. -

1 THE CHIEF GENERAL MANAGER, RESERVE BANK OF INDIA, CENTRAL
OFFICE, MUMBAI, MAHARASTRA.

2 THE GENERAL MANAGER, RESERVE BANK OF INDIA, DEPT. OF NON-
BANKING FINANCE COMPANIES, REGIONAL OFFICE, TRIVANDRUM, KERALA.

3 THE DISTRICT COLLECTOR, MADURAI DISTRICT.

4 THE TAHSILDAR, MELUR, MADURAI DISTRICT.

5 M/S. MUTHOOT FINCORP. LIMITED, HAVING ITS BRANCH OFFICE AT
NO.747 MAIN ROAD, MELUR, MADURAI DISTRICT.

... Respondent(s)

Prayer in WP(MD). 4274/ 2013 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court To issue a Writ of
Mandamus, directing the Respondents 1 to 4 herein to consider the
representation dated 15.3.2013 of the petitioner regarding the
functioning of Financial activities being conducted by the 5th
Respondent herein which is contrary to Law and pass such further
or other orders as this Honble Court.

WP (MD) No.4275/13:

1 S. SENTHIL MURUGAN ... Petitioner

- Vs. -

1 THE CHIEF GENERAL MANAGER, RESERVE BANK OF INDIA,
CENTRAL OFFICE, MUMBAI, MAHARASHTRA.

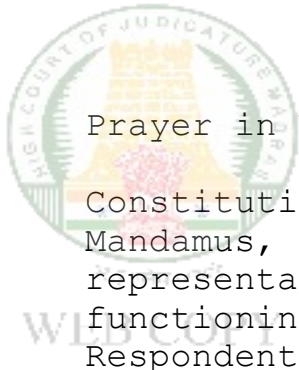
2 THE GENERAL MANAGER RBI, DEPT. OF NON BANKING FINANCE
CORPORATION, REGIONAL OFFICE, TRIVANDRUM, KERALA.

3 THE DISTRICT COLLECTOR MADURAI DISTRICT.

4 THE TAHSILDAR MELUR, MADURAI DISTRICT.

5 M/S. MUTHOOT FINCORP LTD., HAVING ITS BRANCH OFFICE AT NO.747,
MAIN ROAD, MELUR, MADURAI DISTRICT.

... Respondent(s)



Prayer in WP(MD). 4275/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents 1 to 4 herein to consider the representation dated 15.03.2013 of the petitioner regarding the functioning of Financial activities being conducted by the 5th Respondent herein which is contrary to law.

WP(MD)No. 4276/2013:

1 J. RAJ SETHU, ... Petitioner

- Vs. -

1 THE CHIEF GENERAL MANAGER, RESERVE BANK OF INDIA, CENTRAL OFFICE, MUMBAI, MAHARASTRA.

2 THE GENERAL MANAGER, RESERVE BANK OF INDIA, DEPT. OF NON-BANKING FINANCE COMPANIES, REGIONAL OFFICE, TRIVANDRUM, KERALA.

3 THE DISTRICT COLLECTOR, MADURAI DISTRICT.

4 THE TAHSILDAR, MELUR, MADURAI DISTRICT.

5 M/S. MUTHOOT FINCORP. LIMITED, HAVING ITS BRANCH OFFICE AT NO.747 MAIN ROAD, MELUR, MADURAI DISTRICT.

... Respondent(s)

Prayer in WP(MD). 4276/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the Respondents 1 to 4 herein to consider the representation dated 15.3.2013 of the petitioner regarding the functioning of Financial activities being conducted by the 5th Respondent herein which is contrary to Law and pass such further or other orders as this Honble Court.

WP(MD)No. 4306/13:

1 V.S. CHANDRA SEKARAN, ... Petitioner

- Vs. -

1 THE RESERVE BANK OF INDIA, REP. BY ITS CHIEF GENERAL MANAGER, CENTRAL OFFICE, MUMBAI.

2 THE GENERAL MANAGER, RESERVE BANK OF INDIA, DEPARTMENT OF NON BANKING SUPERVISION, REGIONAL OFFICE, THIRUVANANTHAPURAM, KERALA STATE.

3 THE MUTHOOT FIN CORP LTD, REP. BY ITS GENERAL MANAGER, AATHIKULAM BRANCH, 241/3, NEW NATHAM ROAD, MADURAI.

... Respondent(s) in WP(MD). 4306/ 2013

Prayer in WP(MD). 4306/ 2013 :

<https://hcservices.ecourts.gov.in/hcservices/>

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of



Mandamus directing the respondents to consider the petitioner's representation dated 14.03.2013 regarding the functioning of financial business by the 3rd respondent which is contrary to the Acts and the norms fixed by the 1st and 2nd respondent and pass such other order or orders as this Honble Court.

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For Petitioner: Anwar Sameem

For Respondent: Mr. K. R. Laxman for R1 & R2

Mr. V. Raghavachari for R3

WP (MD) No. 13162/13

1 R. S. ASWIN RANI, ... Petitioner

- Vs. -

1 THE RESERVE BANK OF INDIA, REP. BY ITS CHIEF GENERAL MANAGER, CENTRAL OFFICE, MUMBAI.

2 THE GENERAL MANAGER, RESERVE BANK OF INDIA, DEPARTMENT OF NON BANKING SUPERVISION, REGIONAL OFFICE, THIRUVANANTHAPURAM, KERALA STATE.

3 THE MUTHOOT FIN CORP LTD, REP. BY ITS GENERAL MANAGER, REG. OFFICE AT MUTHOOT CENTRE, PUNNEN ROAD, TIRVANDRUM - 34.

4 THE MUTHOOT FIN CORP LTD, REP. BY ITS GENERAL MANAGER, SOUTH VELI STREET, OPP. KAMATCHI HOSPITAL, MADURAI.

5 THE MUTHOOT FIN CORP LTD, REP. BY ITS GENERAL MANAGER, AATHIKULAM BRANCH, MADURAI.

... Respondent(s) in WP (MD). 13162/ 2013

Prayer in WP (MD). 13162/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, to call for the records relating to the impugned auction notice issued by the 3rd respondent herein in so far as the petitioners jewel loan accounts No. F-45316, F-47469 (with 4th respondent) and F-35680, F-36017, F-36018 and F-36019 (with the 5th respondent) are concerned vide paper publication dated 22.07.2013 published in Dinamani daily news paper and quash the same and pass such other order or orders as this Honble Court.

For Petitioner: Mr. S. Anwar sameem

For Respondents: Mr. K. Laxman For R1 & R2

Mr. V. Raghavachari For R3 to R5

WP (MD) No. 13147/13:

1 R. S. SURESH, ... Petitioner

- Vs. -

1 THE RESERVE BANK OF INDIA, REP. BY ITS CHIEF GENERAL MANAGER, CENTRAL OFFICE, MUMBAI



2 THE GENERAL MANAGER, RESERVE BANK OF INDIA, DEPT. OF NON BANKING SUPERVISION, REGIONAL OFFICE, THIRUVANANTHAPURAM, KERALA STATE

3 THE MUTHOOT FIN CORP LTD. REP. BY ITS GENERAL MANAGER, REG. OFFICE AT MUTHOOT CENTRE, PUNNEN ROAD, TRIVANDRUM 34

4 THE MUTHOOT FIN CORP LTD., REP. BY ITS GENERAL MANAGER, SOUTH VELI STREET, OPP. KAMATCHI HOSPITAL, MADURAI

5 THE MUTHOOT FIN CORP LTD., REP. BY ITS GENERAL MANAGER, AATHIKULAM BRANCH, MADURAI

... Respondent(s)

Prayer in WP(MD). 13147/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, to call for the records relating to the impugned auction notice issued by the 3rd respondent herein in so far as the petitioner s jewel loan accounts NO. F-35120, F-35121, F-35122 (with the 4th Respondent) and F-43258, F43342, F-43343, F-43335 and F-45309 (with the 5th respondent) are concerned vide paper publication dated 22.07.2013 published in Dinamani Daily Newspaper and quash the same and pass such other order or orders.

For Petitioner:Mr.S.Anwar Sameem

For Respondent:Mr.K.R.Laxman for R1&R2

Mr.V.Raghavachari For R3 to R5

COMMON ORDER

Since the issue involved in all these writ petitions is common, they are taken up together and disposed of by this common order.

2.The petitioners have pledged their jewels and taken loan from the third respondent bank agreeing to pay interest at the particular rate as well as penal interest in the event of default. Claiming that the rate of interest charged by the finance corporation is onerous, the petitioners have sought interference by this Court under Article 226 of the Constitution of India.

3.The learned counsel appearing for the respondent bank would submit that the petitioners are not entitled to seek interference under Article 226 of the Constitution of India, since it is purely a matter of contract.

4.The learned counsel appearing for the Reserve Bank of India would submit that the Reserve Bank of India does not prescribe any interest rate for non banking financial institution. However, the learned counsel for the petitioners would submit that the petitioners are ready to repay the loan with interest at the rate of 24% per annum, if the third respondent financial company agrees to waive penal interest.

<https://hcservices.ecourts.gov.in/hcservices/>

5.The learned counsel appearing for the third respondent/



finance company would submit that if the petitioners repay the loan amount with interest at the rate of 24% per annum within a prescribed time, the third respondent/Finance Company is prepared to waive the penal interest.

6. In view of the above submissions, there shall be a direction to the petitioners to repay the loan amount borrowed along with admitted interest at the rate of 24% per annum on or before 30.06.2017. On such payment made by the petitioners, the respondent/Finance Company is directed to permit the petitioners to redeem their jewels. In the event of failure on the part of the petitioners to pay the amount borrowed along with interest at the rate 24% as aforesaid, the third respondent/Finance Company will be at liberty to recover the entire loan amount along with penal interest in a manner known to law.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Office of the District Collector,
Madurai.
2. The Inspector of Police,
Theni Police Station,
Theni District.
3. The Tahsildar,
Melur, Madurai District.
4. The Managing Director,
Muthoot Fin Corp Ltd,
6/652 A. Pandyan Complex,
Madurai Main road, Chekkanoorani,
Madurai.

+2cc to M/s. C. Jeganathan, Advocate, SR.13996, 13997
+2cc to M/S. Special Government Pleader, SR.14097, 14098
+3cc to M/S. V. Raghavachari, Advocate, SR.14233
+3cc to M/S. K. R. Laxmanan, Advocate, SR.14564
+1cc to M/S. T. Antony Arulraj, Advocate, SR.14224

W.P(MD) No. 3194, 4081, 4082,
4273 to 4276, 4306, 13162, 13147 of 2013
and
connected miscellaneous petitions
10.03.2017