

CWP No.9940 of 2012 (O&M)

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.9940 of 2012 (O&M)
Date of decision:05.09.2017**

Puran Singh

...Petitioner

Versus

Union of India and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. S.L.Chander Shekhar, Advocate,
for the petitioner.

Mr. Akhilesh Vyas, Advocate,
for respondent no.4.

Rakesh Kumar Jain, J.

The petitioner has prayed for the issuance of a writ in the nature of *mandamus* to direct respondents no.1 to 3 to further direct respondent no.4 not to proceed against the petitioner for the recovery of loan being a 1984 riot victim in view of the policies/schemes (Annexures P-3 and P-4).

Counsel for the petitioner has submitted that the petitioner is a Sikh migrant from Uttar Pradesh to Punjab during 1984 Sikh Riots, who has been issued Red Card by the Deputy Commissioner. The petitioner has availed housing loan of ₹6,40,000/- from the LIC Housing Finance Limited (respondent no.4) on 05.05.2009.

It is alleged by the respondents that the loan was sanctioned and disbursed to the petitioner in the general category and not as a 1984 riot victim.

On the other hand, the case set up by the petitioner is that two schemes were framed, namely, Debt Relief Scheme (Revised) for November,

1984 Riot Affected Borrowers and Central Interest Subsidy Scheme (Revised) for November, 1984 Riot Affected Borrowers, which are applicable to the case of the petitioner, on the basis of which he has claimed that respondents no.1 to 3 be directed to restrain respondent no.4 not to proceed against the petitioner in respect of recovery of loan advanced to him because of the policies/schemes (Annexures P-3 and P-4).

After hearing learned counsel for the parties and examining the available record, I am of the considered opinion that the policies/schemes (Annexures P-3 and P-4), relied upon by the petitioner, are not at all applicable to his case as the petitioner had obtained the housing loan from respondent no.4 not as a riot affected person but in general category. The loan obtained was of ₹6,40,000/-, regarding which respondent no.4 has already initiated proceedings under the provisions of Securitization & Reconstruction of Financial Assets & Enforcement of Security Interest Act, 2002 (hereinafter referred to as the "Act"), by serving upon him a notice under Section 13(2) of the Act, therefore, no such direction can be issued to respondents no.1 to 3, as prayed by the petitioner, to instruct respondent no.4 not to proceed against him in terms of the aforesaid two policies/schemes (Annexures P-3 and P-4) as these are not at all applicable to the case of the petitioner.

In view thereof, there is hardly any merit in the present petition for the purpose of interference by this Court and hence, the same is hereby dismissed, though without any order as to costs.

September 05, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No