

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2018

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.9285 of 2016
and
WMP No.8250 and 8251 of 2016

K.Panjanathan

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Petitioner

Vs

1. The Union of India
rep.by its Secretary to Government
Ministry of Finance, Jeevan Deep Building
Parliament Street, New Delhi-1.
2. Reserve Bank of India rep.by its
Asst.General Manager, Main Building,
Post Box No.901, Sahid Bhagatsingh Road
Mumbai - 400 001.
3. Reserve Bank of India, rep.by its General Manager
No.16, Rajaji Salai, Chennai.
4. M/s.Shriram Transport Finance Co., Ltd
rep.by its Managing Director having its
Administrative Office at No.101-105, 1st Floor
B Wing, Shiv Chambers, Sector - 11
C.B.D.Belapur, Navi Mumbai - 400 614.
- 5.M/s.Shriram Transport Finance Co., Ltd
rep.by its Senior Executive Manager
Administrative Office at Mookambika Complex
3rd Floor, No.4, Lady Desika Road
Mylapore, Chennai - 600 004.
6. M/s.Shriram Transport Finance Co., Ltd
rep.by its Senior Executive Manager,
No.26/1, Old RTO Office, Vandigate
Chidambaram Town, Cuddalore District.
7. M/s.Shriram Transport Finance Co., Ltd
rep.by its Branch Credit Manager,
No.87, Pidari South Street, G.H.Road
Sirkali Town,
Nagapattinam District.

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Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the respondents 1 to 3 herein to regulate the rate of interest being charged by the respondents 4 to 7 herein and to take appropriate action for re-schedulement of the loan by the respondents 6 and 7 themselves without any notice to the petitioner consequently forbear the respondents 4 to 7 herein from taking possession or seizing the petitioner's Ashok Leyland Heavy Goods Vehicle bearing Registration No.TN 51 T 9669 till the consideration of fixing of interest by the respondents 1 to 3 herein.

For Petitioners :Mr.A.Saravanan

For Respondents :Mr.T.L.Thirumalaisamy CGSC- for R1
Mr.K.S.Ramakrishnan - for RR 4 to 7
No appearance - for RR 2 and 3

O R D E R

The relief sought for in this writ petition is to direct the respondents 1 to 3 herein to regulate the rate of interest being charged by the respondents 4 to 7 herein and to take appropriate action for re-schedulement of the loan by the respondents 6 and 7 themselves without any notice to the petitioner consequently forbear the respondents 4 to 7 herein from taking possession or seizing the petitioner's Ashok Leyland Heavy Goods Vehicle bearing Registration No.TN 51 T 9669 till the consideration of fixing of interest by the respondents 1 to 3 herein

2. The grievance of the writ petitioner is that exorbitant interest has been charged for the repayment of vehicle loan obtained by him. Learned counsel appearing on behalf of the petitioner states that he has already paid an amount of Rs.4,00,000/- (Rupees Four Lakhs only) towards the loan itself and the respondents 4 to 7 are charging interest exorbitantly in violation of the guidelines issued by the Reserve Bank of India.

3. This Court is of the opinion that the writ petitioner obtained loan on certain terms and conditions and he has signed all the documents at the time of borrowing the loan. If at all any of the conditions are in violation of the Reserve Bank of India regulations, it is left open to the writ petitioner to prefer a complaint to the competent authority in this regard. However, no writ petition can be entertained against such loan transactions with private finance companies. Admittedly, the respondents 4 to 7 are private finance company, against whom the relief is sought for in the present writ petition. The

petitioner is at liberty to approach the competent authority for the purpose of redressing his grievances in respect of the loan borrowed. It is for the petitioner to negotiate with the fourth respondent in order to waive off the penal interest and accordingly repay the loan amount in accordance with the terms and conditions of the loan. This being the factum, the present writ petition cannot be entertained as the relief sought for is against the private finance company viz., the respondents 4 to 7.

3. Under the circumstances, the writ petition stands dismissed as not maintainable. However, there shall be no order as to costs. Consequently, connected W.M.Ps. are closed.

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Union of India,
Ministry of Finance, Jeevan Deep Building
Parliament Street, New Delhi-1.
2. The Asst.General Manager,
Reserve Bank of India rep.by its
Main Building,
Post Box No.901, Sahid Bhagatsingh Road
Mumbai - 400 001.
3. The General Manager,
Reserve Bank of India,
No.16, Rajaji Salai, Chennai.

+1cc to Mr.A.Saravanan, Advocate Sr.57179
+1cc to Mr.T.L.Thirumalasamy, CGSC, Sr.57481
+1cc to Mr.K.S.Ramakrishnan, Advocate Sr.57150

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srg 4/9/2018