

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P.No.27500 of 2018 and
WMP.No.32011 of 2018

A. Sivakumar

... Petitioner

Vs

1. The Reserve Bank of India,
Department of Non-Banking Supervision,
Represented by its Chief General Manager,
Fort Glacis, 16, Rajaji Salai,
Chennai - 01.
2. The Branch Manager,
Muthoot Fincorp Ltd.,
First Floor, SVS Owner 802- 804,
Thiruvottiyur High Road,
Near Thiruvottiyur Market,
Thiruvottiyur, Chennai - 19.
3. M/s. Bohra's Auctioner,
Represented by its Manager,
Old No.30, New No.69, Kodambakkam Road,
West Mambalam,
Chennai - 33.

... Respondents

PRAYER : Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus by directing the 1st respondent to take appropriate action against the 2nd respondent for charging exorbitant interest for the Jewel loan obtained by the petitioner pursuant to the representation dated 10.10.2018.

For petitioner : Mr. S.Karthikei Balan

For respondents : Mr.Chevanan Mohan
for M/s.King & Partridge

ORDER

Mr.R.Chevanan Mohan, learned counsel accepts notice on behalf of the 1st respondent.

2. This writ petition has been filed by the petitioner seeking a writ of mandamus directing the 1st respondent to take appropriate action against the 2nd respondent for charging exorbitant interest for the jewel loan obtained by the petitioner pursuant to the representation dated 10.10.2018.

3. The petitioner has sent a representation dated 10.10.2018 to the first respondent and filed the writ petition on the same date itself. Admittedly, the representation was despatched on 11.10.2018 which was evident from the copy of the postal receipt annexed to the typed set of papers. In paragraph 5 of affidavit filed in support of the writ petition, it has been stated that a fax message and e-mail have been sent to the 1st respondent on 10.10.2018, but the petitioner has not filed the print out of the e-mail and fax.

4. Thus, it is clear that before despatching the representation, the petitioner has filed the writ petition. This amounts to putting the cart before the horse. Therefore, the writ petition is not maintainable and the same is dismissed. However, it is made clear that dismissal of the writ petition will not prevent the 1st respondent in considering the representation of the petitioner, if there are no legal impediments. No costs. Consequently, W.M.P.No.32011 of 2018 is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

mp/bbr

To

1. The Chief General Manager,
Reserve Bank of India,
Department of Non-Banking Supervision,
Fort Glacis, 16, Rajaji Salai,
Chennai - 01.

+1cc to Mr.S.Karthikei Balan, Advocate Sr.No.71606
+1cc to M/s.King & Partridge, Advocate Sr.No.71538

W.P.No.27500 of 2018

RRS (CO)
CSL/08.11.2018