



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2018

CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs. JUSTICE R.THARANI

W.A. (MD) .No.316 of 2018

and

C.M.P. (MD) No.2000 of 2018

A.Raja

... Appellant

Vs.

1. Union of India,
Rep. By its Secretary,
Ministry of Finance,
New Delhi.
2. The Chairman,
Insurance Regulatory and Development Authority,
3rd Floor, Parirama Bhavan,
Basheer Bagh, Hyderabad-500 004,
Andhra Pradesh.
3. Aegon Religare Life Insurance Company Ltd.,
Rep. By its Chief Executive Officer & Managing Director,
Unit No.102, 1st Floor, Nomura Bldg,
Winchester, Hiranandi Business Park, Hiranandi Powal,
Mumbai-400 076.
4. Aegon Religare Life Insurance Company Ltd.,
Fourth Floor , Part 4,
Kalluvetttil Teenu Centre,
82, Court Road, Near Nagercoil Court,
Nagercoil-629 001.
Rep. By its Zonal Head
(Sales) (South & West)

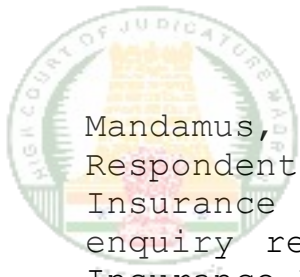
... Respondents

PRAYER: This appeal is filed under Clause 15 of the Letters Patent, to set aside the order in W.P.(MD) No.13718 of 2012 dated 29.10.2012 on the file of this Court.

Prayer in WP(MD). 13718/ 2012 :

<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 Respondent No.2 to restrain the Respondents No.3 & 4 from closing down the 3rd Respondent Life Insurance Company Private Ltd., Nagercoil Branch and conduct enquiry regarding the same as per the Section 14(2) (h) of the Insurance Regulatory and Development Authority Act, 1999.

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For Appellant : Mr.T.Lajapathi Roy

For Respondents 3 and 4 : Mr.N.Dilip Kumar

JUDGMENT

(Judgment of the Court was delivered by **T.S.SIVAGNANAM, J**)

Heard Mr.T.Lajapathi Roy, learned counsel appearing for the appellant and Mr.N.Dilip Kumar, learned counsel appearing for the respondents 3 and 4.

2.This appeal is directed against the order passed by the learned Single Judge in W.P.(MD)No.13718 of 2012 dated 29.10.2012. The writ petition was filed by the appellant to direct the second respondent to restrain the respondents 3 and 4 from closing down the Nagercoil Branch of Life Insurance Company Private Limited.

3.The appellant is an employee/Manager working in Nagercoil Branch of Life Insurance Company Private Limited. The appellant/petitioner approached the Writ Court by stating that without conducting an enquiry under Section 14(2)(h) of the Insurance Regulatory and Development Authority, Act 1999, the closure of the Branch is illegal.

4.The Writ Court, in our considered view, rightly dismissed the writ petition on the ground that the writ petition as framed is not competent, as the appellant has failed to show any violation of the legal right. Apart from that on examination of factual position, the Writ Court held that the case does not fall under the said Act. We find no error in the impugned order warranting interference by us. Further more, the order was passed in the year 2012 and by efflux of time, the relief cannot be granted for the above reasons.

5.Accordingly, the appeal fails and stands dismissed. No Costs. Consequently, C.M.P.(MD)No.2000 of 2018 is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/



To

The Secretary,
Ministry of Finance, Union of India,
New Delhi.

WEB COPY

+ 1 cc TO Mr.N.Dilip Kumar , Advocate in SR No. 52236

Mrn/rmk

AE/SV MMS/SAR3/15.03.2018/3P/3C

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