



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 17.08.2017

Pronounced on : 10.01.2018

WEB COPY

CORAM :

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.A. (MD) No. 677 of 2014

K. Ananth

... Appellant

vs.

1. The Union of India,

Rep. by the Secretary to the Government,
Ministry of Finance,
Jeevan deet building,
Parliament Street,
New Delhi - 110 001.

2. The Chief General Manager-in-Charge,

Reserve Bank of India,
Department of Non-Banking Supervision,
Central Office, Centre I, World Trade Centre,
Cuffe Parade, Colaba, Mumbai,
Maharashtra - 400 005.

3. M/s. Shriram City Union Finance Company Ltd.,

rep. by its Chief Executive Officer,
221, Royapettah High Road,
Mylapore, Chennai - 600 004.

4. The Assistant General Manager,

M/s. Shriram City Union Finance Company Ltd.,
Madurai Branch, 2, Sivanandha Salai,
Arapalayam Cross Road,
Viswanathapuram, Madurai.

... Respondents

Prayer : Writ Appeal filed under clause 15 of the Letters Patent, to set aside the order dated 25.02.2014 made in W.P. (MD) No. 20743 of 2013 on the file of this Court.

Prayer in WP (MD). 20743/ 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 2nd respondent to pass appropriate orders to



cancel the certificate of registration of the 3rd respondent and further direct the 3rd and 4th respondent to pay a Sum of Rs.50,000/- as compensation to the petitioner.

For Appellant : Mr.N.Karthik Kanna
For Respondents : Mr.J.Bharathan for
Mr.T.R.Jeyapalam for RR3 and 4

JUDGMENT

(Judgment of the Court was delivered by G.R.SWAMINATHAN, J.)

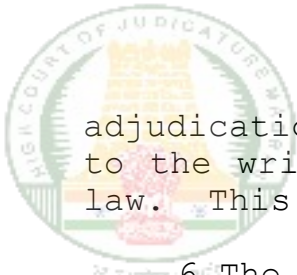
This intra Court appeal has been filed by the writ petitioner questioning the order dated 25.02.2014 passed by the learned Single Judge closing W.P.(MD) No.20743 of 2013.

2.The petitioner purchased a harvester vehicle under a hire purchase agreement with the third respondent. The third respondent is a non banking finance company. The vehicle purchased by the writ petitioner caught fire on 13.09.2013 and was fully damaged. The writ petitioner lodged a claim with the insurer. The insurer called upon the writ petitioner to furnish certain documents for processing the insurance claim. But the said documents were with the fourth respondent, who is the Administrative head of the Madurai Branch of the third respondent company. The fourth respondent adopted an attitude of utter non co-operation. As a result, the writ petitioner could not pursue his insurance claim.

3.The contention of the writ petitioner is that the third respondent had indulged in unfair trade practices and that therefore the Reserve Bank of India, who is the statutory authority to check the unfair trade practices of non banking finance companies must invoke its statutory power conferred under Section 45-1A (6) (iv) (a) of the Reserve Bank of India Act, 1934 and cancel the registration of the third respondent. The petitioner sent representation dated 11.11.2013 in this regard. Since it was not acted upon, he was constrained to file W.P.(MD) No.20743 of 2013.

4.When the matter was taken up for disposal, the counsel for the third and fourth respondents represented that the writ petitioner was a rank defaulter and that therefore, they were justified in withholding the documents sought for by the writ petitioner. The maintainability of the writ petition was also questioned.

5.The learned Judge noted that the basic grievance of the writ petitioner was that he was not furnished with copies of certain documents. Those documents have now been made available in the form of typed set of papers. In that view of the matter, the learned Judge came to the conclusion that nothing more survived for



adjudication. The writ petition was therefore closed giving liberty to the writ petitioner to pursue the matter in the manner known to law. This order is questioned in this writ appeal.

6. The learned counsel appearing for the appellant contended that commission of unfair trade practices ought to be viewed seriously. While we do appreciate the stand of the appellant, we are of the view that in matters such as this, public law remedy cannot be invoked. Even according to the writ petitioner, there was commission of default on his part. In view of the default committed by the writ petitioner in the matter of servicing the loan account, the Financier chose to withhold certain documents. As rightly pointed by the learned Judge, in any event, the documents sought for by the writ petitioner ought to have been furnished. This will not however afford a cause of action for awarding damages in writ proceedings.

7. As rightly pointed by the learned Judge, the core grievance of the writ petitioner already stood redressed. There was nothing further to be adjudicated. Therefore, the writ petition was rightly closed. We do not see any merit in this appeal.

8. This writ appeal stands dismissed accordingly. No costs.

Sd/-
Assistant Registrar (CSI)

/True Copy/

Sub-Assistant Registrar

+One cc to Mr. T. R. Jeyapalam, Advocate, SR.No.42094

Arul
RL/2C/3P/SV/MMS/SAR1/23/1/2018

Judgment made in
W.A. (MD) No. 677 of 2014

10.01.2018