

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2019

CORAM
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.21167 of 2009

K.Gunasekaran

...Petitioner

Vs

1.The Regional Director/Nodal Officer,
Reserve Bank of India,
Chennai - 600 001.

2.The Manager,
IDBI Home Finance Ltd.,
Khivraj Complex Second Floor,
480, Anna Salai,
Nandanam,
Chennai - 600 035.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent herein to consider the representation of the petitioner herein dated 01.09.2009 (Seeking to issue necessary direction to the second respondent herein to issue the house construction inspection report) and dispose the same within the time limit.

For Petitioner : No appearance

For Respondents : Ms.T.Poornam for R1
Mr.K.Subramanyam for R2

ORDER

There is no representation for the petitioner.

2.The prayer made in this writ petition is to direct the first respondent to dispose of the representation of the petitioner dated 01.09.2009 seeking a direction to the second respondent for issuance of the inspection report, within a time frame to be stipulated by this Court.

3.Upon notice, the first respondent filed a detailed counter affidavit, wherein, at paragraph 7, it is specifically

averred as under:

"7.....I submit that the 1st respondent Bank had received the representation dated 01.09.2009 from the petitioner, inter alia, stating that he had availed a loan from the IDBI Housing Finance Limited, the 2nd respondent in the writ petition, for construction of house. Due to cheating of some of his friends, he could not complete the construction of house. The construction site was inspected by the officials of the 2nd respondent in 2005-06 and submitted a report. He requested the Reserve Bank to direct the 2nd respondent to furnish a copy of the report to enable him to take action against the persons, who defrauded him. A copy of the said representation is filed herewith as Annexure-I. The 1st respondent has, vide letter dated November 04, 2009, a copy of which is filed herewith as Annexure-II, informed the petitioner that the Reserve Bank is not the regulator of housing finance institutions and the National Housing Bank is the authority constituted to regulate the affairs of housing finance institutions. Therefore, the petitioner has been advised to approach the National Housing Bank for redressal of his grievance."

4.Reiterating the averments so made in the counter affidavit, the learned counsel for the first respondent made his submissions. Heard the learned counsel for the second respondent. According to them, the proper course to be adopted by the petitioner for getting the inspection report is to approach the National Housing Board.

5.This Court, after hearing the learned counsel for the respective respondents and upon perusal of the records, is of the view that the petitioner, without approaching the appropriate authority viz., National Housing Board, for getting the inspection report with regard to completion of construction work, has straight away approached this Court with the present writ petition. Such course adopted by the petitioner, cannot be countenanced.

6.Hence, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsi2/arb

To

1.The Regional Director/Nodal Officer,
Reserve Bank of India,
Chennai - 600 001.

+1cc to Mr.T.Poornam, Advocate, S.R.No.2356

W.P.No.21167 of 2009

MP (CO)

RRS (08/05/2019)