

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2019

CORAM :

The Hon'ble Mrs.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.23176 of 2019

Packiam Joseph ... Petitioner

-vs-

The Manager
M/s. LIC Housing Finance Ltd.,
New No.15, Old No.38, 3rd Floor,
South India Coop. Building,
Chennai 600 002. ... Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, to direct the respondent to consider and dispose of the representation dated 17.06.2019 in accordance with law, after giving sufficient opportunity to the petitioner, on or before a date to be stipulated by this Court.

For Petitioner : Mr.N.Rangarajan

O R D E R

(Order of the Court was made by M.DURAI SWAMY, J.)

The above writ petition has been filed by the petitioner to issue writ of mandamus directing the respondent bank to consider his representation dated 17.06.2019.

2.On a perusal of the materials available on record, it could be seen that the petitioner was issued with a notice dated 11.04.2019 under Section 13 (2) of the SARFAESI Act, 2002 and that the petitioner has also given his reply dated 17.06.2019 to the respondent bank. Such being the case, the petitioner has filed the writ petition to consider his representation dated 17.06.2019, wherein he has sought for refund of the excess amount paid by him.

3. When the respondent bank had initiated proceedings under the SARFAESI Act, the relief sought for in the present writ petition cannot be granted. In any event, the petitioner has given his reply dated 17.06.2019 and therefore, there is no necessity for issuing a writ of mandamus in the above writ petition.

In view of the same, the writ petition is dismissed. No costs. Consequently, W.M.P.No.22865 of 2019 is also dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sra

To

The Manager
M/s. LIC Housing Finance Ltd.,
New No.15, Old No.38, 3rd Floor,
South India Coop. Building,
Chennai 600 002.

W.P.No.23176 of 2019

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