

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2019

CORAM :

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

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.29656 of 2018

Dr.V.Shanmugasundaram

... Petitioner

-vs-

1.M/s.Sundaram BNP Paribas Home Finance Limited,
rep. by its Managing Director,
Sundaram Towers, No.46, Whites Road,
Chennai-600 014 &
No.21, Pattuloss Road,
Chennai-600 014.

2.The District Collector,
Tirunelveli District,
Tirunelveli.

3.The Revenue Divisional Officer,
Office of the District Collector,
Kokkirakkuulam, Tirunelveli Taluk,
Tirunelveli District-627 009.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to furnish the copy of the following documents at the cost of the petitioner as described in the notice dated 6.6.2018 followed by reminder notice dated 06.7.2018.

1. Gazette Notification No.S.O.1282(E) dated 10.11.2003 issued by the Department of Economic Affairs, Banking Division, Ministry of Finance, Government of India, New Delhi.

2. Gazette Notification No.S.O.546(E) dated 24.03.2008 issued by the Department of Financial Services, Ministry of Finance, Government of India.

3. Loan Sanctioned Letter by Royal Sundaram Alliance Insurance Company Limited.

4. Copy of the Loan Agreement.

5. Produce Copy of the Certificate of Registration M/s.Sundaram BNP Paribas Home Finance Limited issued under Section 3 of the SARFAESI Act and condition stipulated therein.
6. Copy of notification issued by the Central Government that M/s.Sundaram BNP Paribas Home Finance Limited are entitled to invoke SARFAESI Act.
7. Copy of appropriate notification authorizing the present authorized officer of M/s.Sundaram BNP Paribas Home Finance Limited under Rule 2(a) of the SARFAESI Rules to invoke the SARFAESI proceedings.
8. Copy of the registered equitable mortgage by creating deposit of title deeds.
9. Produce all the important, relevant and necessary communications between M/s.Sundaram BNP Paribas Home Finance Limited and the petitioner as directed by the Reserve Bank of India, before classifying petitioner's account as NPA.
10. The entire statement of accounts from the date of borrowal till the date of issuing 13(2) notice i.e., 30.11.2014.

For Petitioner : Mr.P.C.Harikumar

For Respondents : Mr.K.J.Parthasarathy
for respondent No.1

Mr.S.Kamalesh Kannan
Government Advocate
for respondent Nos.2 & 3

ORDER

The petitioner has filed the above writ petition to issue a Writ of Mandamus directing respondent No.1 to furnish copies of the ten documents listed in the writ petition and in the notice dated 06.06.2018 followed by the reminder notice dated 06.07.2018.

2. When the matter is taken up for hearing today, the learned counsel for respondent No.1 has filed the typed set of papers annexing nine documents except item No.9 in the list of documents. On a perusal of the prayer sought for in the writ petition, it could be seen that the document listed as item No.9 is very vague and respondent No.1 cannot produce the same. Apart from item No.9, respondent No.1 has furnished all the documents to the petitioner. Therefore, nothing survives for adjudication in the present writ petition.

3. Accordingly, the writ petition is closed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Office of the District Collector,
Kokkirakkuulam, Tirunelveli Taluk,
Tirunelveli District-627 009.

+1`cc to M/S.P.V.Jayakumari, Advocate Sr.6295
+1cc to Mr.K.J.Parthasarathy, Advocate sr.5419
+1cc to the Government Pleader sr.5793

W.P. No.29656 of 2018

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