



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

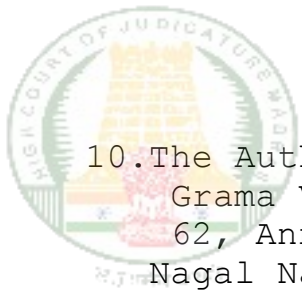
W.P. (MD)No.13858 of 2020

A.Muthumari

... Petitioner

Vs.

- 1.The Reserve Bank of India,
Represented by its Chief General Manager,
Main Building, P.O.Box 901,
Shahid Bhagat Singh Road,
Mumbai-400 001.
- 2.The Additional Chief Secretary,
Financial Department,
Government of Tamil Nadu,
Secretariat, Chennai-09.
- 3.The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.
- 4.The District Collector,
Collector Office, Madurai.
- 5.The Superintendent of Police,
Madurai District, Madurai.
- 6.The Inspector of Police,
Silaiman Police Station,
Madurai District.
- 7.The Authorised Officer,L&T Finance Services,
Rakesh Towers No.30C,
3rd Floor, Subramania Pillai Street,
Bye-pass road, S.S.Colony,
Madurai -625016.
- 8.The Authorised Officer, Fincare Finance Services,
Floor 5, Bren Mercury, Kaikondanahalli,
Sarjapur Main Road,
Bangalore-560035.
- 9.The Authorised Officer,
Grameen Koota Finance Services,
47th Cross Road,
8th Block, Jayanagar,
Mantap, Bengaluru,
Karnataka-560071.



10.The Authorised Officer,
 Grama Vidiyal Finance Services,
 62, Annamalaiyar School Rd,
 Nagal Nagar, Dindigul.

11.The Authorized Officer,
 Equitas Finance Services,
 4th Floor, Spencer Plaza,
 Phase II No.769, Mount Road,
 Chennai 600002.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the fourth respondent to complete the enquiry in Na.Ka.No.C3/77/2020, dated 05.09.2020 to enforce the COVID-19, regulatory package of first respondent, dated 23.05.2020 and consequently, direct the respondents 1 to 6 forbear the respondents 7 to 11 from harassing the petitioner and the members of her self help group to pay the loan amount by considering the petitioner's representation on 12.09.2020 within the time frame stipulated by this Court.

For Petitioner	: Mr.T.Thirumurugan
For R2 to R6	: Mr.R.Srinivasan
	Government Advocate

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 2 to 6.

2.The petitioner states that he had availed financial assistance from Micro Financial Institutions. According to the petitioner, on account of COVID-19 outbreak, she could not repay the borrowed loan. Her grievance is that the agents of the lending institutions are harassing the petitioner. The petitioner's counsel places reliance on the decision of the Hon'ble Supreme Court reported in **(2007) 2 SCC 711 (ICICI Bank Ltd., Vs. Prakash Kaur and others)**. The petitioner's counsel also points out that there has been a moratorium on loan repayment.

3.It is not in doubt that the petitioner had borrowed the amounts from the financial institutions. It is also not in doubt that the petitioner had committed default. But then, the petitioner cannot be harassed by the lending agencies. I must however clarify that asking for the money back cannot be construed as an act of harassment. If the agents of the lending institutions committed any act of illegality, it is definitely the duty of the

~~several respondents~~ to take action in the matter.



4. With this direction to the sixth respondent, the Writ Petition is disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Additional Chief Secretary,
Financial Department,
Government of Tamil Nadu,
Secretariat, Chennai-09.
2. The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.
3. The District Collector,
Collector Office, Madurai.
4. The Superintendent of Police,
Madurai District, Madurai.
5. The Inspector of Police,
Silaiman Police Station,
Madurai District.

+1 CC to Mr. T. THIRUMURUGAN, Advocate (SR-19396[F] dated 08/10/2020)

W. P. (MD) No. 13858 of 2020
07.10.2020

PM(CO)
KM (21.10.2020) 3P 7C