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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-10-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.34954 of 2012

And

MP No.1 of 2012

G.R.Greator Ramadoss,  
K-5, Narayani Apartments,  
Velan Nagar,  
Valasaravakkam,  
Chennai - 600 087.

...Petitioner

VS.

1.The Director,  
Insurance Regulatory and Development  
Authority (IRDA),  
III Floor, Parisrama Bhavan,  
Basheer Bagh,  
Hyderabad - 4.

2.The Managing Director,  
The HDFC Standard Life Insurance Company Ltd.,  
Gupta Garden Building,  
(Ground and I Floor),  
SP-74, Thiru-Vi-Ka Industrial Estate,  
Guindy, Chennai - 32.

3.The Manager,  
HDFC, First Floor,  
Block 'A', No.57, 2<sup>nd</sup> Avenue,  
Anna Nagar,  
Chennai - 600 102.

4.V.Ramasamy

5.The Inspector of Police,  
R-9, Valasaravakkam Police Station,  
Valasaravakkam,  
Chennai.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second and third respondents to return of Rs.5,00,000/- deposited by the petitioner and to direct the



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first respondent to take appropriate action against the second and third respondents for the irregularities committed to the petitioner together with interest.

For Petitioner : Mr.S.Mahaveer Shivaji  
For Respondent-1 : Mr.M.B.Raghavan  
For Respondent-2 : Mr.S.Namasivayam  
For Respondent-3 : Dismissed vide Court order dated 10.03.2020.  
For Respondent-4 : No Appearance  
For Respondent-5 : Mr.C.Kathiravan,  
Government Advocate.

### O R D E R

The relief sought for in the present writ petition is to direct the second and third respondents to return of Rs.5,00,000/- deposited by the petitioner and to direct the first respondent to take appropriate action against the second and third respondents for the irregularities committed to the petitioner.

2. The petitioner states that he had deposited a sum of Rs.5 lakhs in HDFC Standard Life Pension Champion Policy.

3. In view of the fact that the petitioner has paid the premium amount of Rs.5 lakhs and subsequently, the said amount has not been repaid on demand, the petitioner is constrained to move the present writ petition.

4. Perusal of the affidavit filed in support of the present writ petition reveals that the terms and conditions are involved in respect of the Policy taken by the petitioner.

5. It is a contractual obligation and the High Court cannot adjudicate such disputed issues in writ proceedings under Article 226 of the Constitution of India.

6. Adjudication requires examination of original documents and taking of oral evidences. It is not as if the High Court in writ proceedings could direct the respondents to repay the amount, merely on the fact that the petitioner had deposited a sum of Rs.5 lakhs. It requires an adjudication and the entitlement is to be decided only after crystallisation of the right of the petitioner based on the contractual obligation between the parties concerned.



7. This being the factum established and the issues involved, it is for the petitioner to redress his grievances in the manner known to law before the appropriate Forum.

8. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CS-VI)

// True Copy //

Sub Assistant Registrar

Svn

To

- 1.The Director,  
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Authority (IRDA),  
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Hyderabad - 4.
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- 4.The Inspector of Police,  
R-9, Valasaravakkam Police Station,  
Valasaravakkam,  
Chennai.

+1cc to the Government Pleader SR.No.54265

W.P.No.34954 of 2012

AD(CO)  
RVM(02/11/2021)