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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2021

CORAM

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P. No.7524 of 2021

and

WMP Nos. 8048, 8050, 8053 and 8056 of 2021

V. Nandagopalan

.. Petitioner

Versus

1. The Branch Manager
Karur Vysya Bank
Redhills, Chennai-52.
2. Mr.Gokulnath,
The Branch Manager,
Karur Vysya Bank,
Redhills, Chennai-52.
3. The General Manager,
Karur Vysya Bank,
568, II Floor, KVB Towers,
Anna Salai, Teynampet,
Chennai - 18.
4. The General Manager,
Karur Vysya Bank,
Central Office No.20, Erode RD,
Vadivel Nagar, LNS, Karur 639 002.
5. The Governor,
RBI Central Office Building,
18th Floor, Shahid Bhagar Singh Road,
Mumbai 400 001

..Respondents

Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to dispose the representation made by him on 19.09.2020.

For Petitioner : Mr.M.Krishnamurthy

For Respondent R1 to R5 : No Appearance.



ORDER

The petitioner has come up with this Writ Petition seeking to issue a Writ of Mandamus directing the respondents to dispose of his representation made on 19.09.2020.

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2. It is the case of the petitioner that he pledged his jewels with the first respondent Bank under loan No.6908/835059. When the petitioner approached the Bank to redeem his jewels within the period of moratorium, the 2nd respondent has wantonly and deliberately not processed his application for redemption of the jewels. When such activity of the 2nd respondent was brought to the notice of the 3rd respondent, he instructed the second respondent to permit the petitioner to redeem the jewel. The petitioner, on receiving automatic computer message from the first respondent in his mobile to redeem the jewel loan immediately approached the first respondent for redemption of the same in order to avoid penal interest, but he was abused by the second respondent in filthy language and not permitted him to redeem the jewels, which caused him great mental agony and hardship. According to the petitioner, the second respondent is well aware of the fact that during Pandemic period, imposing penal interest is against the law laid down by the Honourable Supreme Court. Moreover, the second respondent is making inordinate delay to redeem the jewels and imposing penalty to interest which is purely an act of abuse of process of law. Hence the petitioner made a representation on 19.9.2020 to the respondents. Finding no response on the same, the petitioner has filed this writ petition for the aforesaid relief.

3. Heard the learned counsel appearing for the petitioner and perused the materials placed before this Court. There was no representation for the respondents 1 to 5 inspite of service of notice. The petitioner has also filed affidavit of service, evidencing service of notice on the respondents privately.

4. The allegations raised by the petitioner in the affidavit filed in support of the writ petition requires an enquiry to be conducted by the respondents especially when the petitioner has arrayed the second respondent in his personal capacity. Therefore, having regard to the nature of allegations raised by the petitioner in the affidavit filed in support of this writ petition, this Court directs the third respondent to consider the petitioner's representation dated 19.09.2020 and pass appropriate orders on the same on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, second respondent and others concerned, within a period of six weeks from the date of receipt of a copy of this order.



5. With the aforesaid direction, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msr/rsh

To

1. The Branch Manager,
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Mumbai 400 001.

+2ccs to Mr.M.Krishnamurthy, Advocate, S.R.No.40678

WP No. 7524 of 2021

SMI(CO)
HS(23/08/2021)