

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.9280 of 2020

Suganthi

...Petitioner

Vs.

1. The State
rep. by Secretary to Government
Finance Department
Fort St. George
Chennai 600 009.
2. The Governor
Reserve Bank of India
Shahid Bhagat Singh Marg
Mumbai 400 001.
3. Regional Director for Tamil Nadu
Reserve Bank of India
Fort Glacis, P.B.No.40
Rajaji Salai, Chennai 600 001.
4. The State
rep. by Secretary to Government
Rural Development and Panchayat Raj Department
Fort St. George
Chennai 600 009.
5. The Chairperson
Tamil Nadu Corporation for Development of Women
Mother Teresa Womens Complex
1st Floor, Valluvar Kottam High Road
Nungambakkam
Chennai 600 034.

...Respondents

[R4 & R5 impleaded vide order dated
19.08.2020 made in WMP No.13730 of 2020]

Prayer: Petition under Article 226 of the Constitution of India
praying for a writ of Mandamus directing (i) respondents 1 and
3 to appoint a special officer in each District to receive the
complaints and to take action against the microfinance

institutions that are insisting the members belonging to the Self Help Groups to pay the loan amount during the moratorium period against the circulars issued by the second respondent, (ii) respondents 1 and 3 to create a helpline number to make complaints against the microfinance institutions that are insisting the members belonging to the Self Help Groups to pay the loan amount during the moratorium period against the circulars issued by the second respondent, (iii) second respondent to extend the moratorium by another six months i.e., September 1, 2020 to February 28, 2021, (iv) respondents 1 and 2 to frame rules to regularise the functioning of the micro finance institutions and thereby prevent them from collecting exorbitant interest.

For Petitioner : Mr.K.C.Karl Marx

For Respondents : Ms.R.J.Radhika
Govt. Advocate
for respondents 1 & 4
Mr.C.Mohan
For M/s. King & Patridge
for respondents 2 & 3

ORDER
(Made by the Hon'ble Chief Justice)

The writ petition pertains to the moratorium and the extension of the moratorium to self-help groups because of the pandemic.

2. These are matters that have to be left to the relevant authorities to decide. Merely because a moratorium was declared for a certain period of time, it does not imply that the same would be continued indefinitely. Indeed, the matters brought to Court may not be amenable to judicial review.

3. It will be open to the Reserve Bank of India to take stock of the situation and grant whatever relief that such authority may deem appropriate, considering the circumstances. According to the Reserve Bank, it has granted relief in respect of three of the matters that have been complained of.

4. In view of the above, the writ petition cannot be carried forward. W.P.No.9280 of 2020 is disposed of, without prejudice to the rights of the petitioner to pursue the

appropriate authorities for the necessary relief. There will be no order as to costs. As a consequence, WMP No.11310 of 2020 is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

kpl

To

1. The Secretary to Government
Finance Department
Fort St. George
Chennai 600 009.
2. The Governor
Reserve Bank of India
Shahid Bhagat Singh Marg
Mumbai 400 001.
3. Regional Director for Tamil Nadu
Reserve Bank of India
Fort Glacis, P.B.No.40
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4. The Secretary to Government
Rural Development and Panchayat Raj Department
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5. The Chairperson
Tamil Nadu Corporation for Development of Women
Mother Teresa Womens Complex
1st Floor, Valluvar Kottam High Road
Nungambakkam
Chennai 600 034.

+1cc to Mr.King & Patridge, Advocate, S.R.No.8324
+1cc to Mr.K.C.Karl Marx Advocate, S.R.No.8221
+1cc to the Government Pleader, S.R.No.8466

W.P.No.9280 of 2020

MP (CO)
KKV/25/02/2021