

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.17843 of 2020

1. S.Srinivasan
2. S.Kalavathy

.... Petitioners

Vs.

1. The Reserve Bank of India  
16, Rajaji Salai, Fort Glacis  
Chennai 600 009.
2. The Authorised Officer  
Dewan Housing Finance Corporation Limited  
Dreams Mall, First Floor, LBS Marg  
Bhandup (West)  
Mumbai 400 078.
3. The Authorised Officer  
Dewan Housing Finance Corporation Limited  
Kalpathika Towers  
New No.36, Old No.24,  
Dr.Ambedkar Road  
Ashok Nagar Main Road  
Kodambakkam  
Chennai 600 024.
4. The Branch Manager  
Dewan Housing Finance Corporation Limited  
Tomes New No.36, Old No.24  
Dr.Ambedkar Road  
Ashok Nagar Main Road  
Kodambakkam  
Chennai 600 024.

... Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents 2 to 4 to extend the petitioners six months time to settle the remaining loan amount by availing one time settlement.

For Petitioner : Mr.P.Udhayashankar  
For Mr.V.Nithyanandam

For Respondents 2 to 4 : Mr.Saikrishnan

ORDER  
(Made by the Hon'ble Chief Justice)

This is another matter of those utterly misconceived petitions filed to direct a secured creditor to afford time to the defaulting petitioner and ward off the appropriate measures that have been against the secured interest. The excuse is the pandemic.

2. Since a writ of Mandamus may not lie to command a secured creditor to vary the terms of the agreement with the debtor, the writ petition cannot be entertained. In any event, the measures that a creditor may seek to adopt against a debtor can scarcely be interfered with in this extraordinary jurisdiction. The petitioners' remedy lies elsewhere.

3. W.P.No.17843 of 2020 is disposed of, without entering into the merits thereof. It will open to the petitioners to approach any appropriate authority to receive the grievance, other than Writ Court. There will be no order as to costs. As a consequence, WMP Nos.22131 and 22127 of 2020 are closed.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

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W.P.No.17843 of 2020