



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10557 of 2021

and

W.M.P. (MD) .No.8221 of 2021

M.Rajendran

... Petitioner

Vs.

1. The Secretary,
Finance Department,
Government of Tamil Nadu, Secretariat, Chennai-600 009.

2. The Branch Manager,
Indian Overseas Bank,
Narayanapuram Branch, Madurai-625 014.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in connection with the second respondent's impugned notice, dated 05.06.2021, in the petitioner's jewel loan Account No.132000898 and quash the same as illegal and arbitrary and consequently direct the second respondent to facilitate the petitioner the moratorium relief announced by the Reserve Bank of India master circular dated 05.05.2021 and second respondent's message dated 27.05.2021 and also based on the petitioner's representation dated 08.06.2021 to tackle the second wave of COVID-19, within the time limit that may be stipulated by this Court.

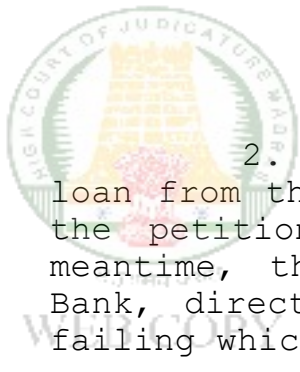
For Petitioner: M/s.Dr.M.D.Poornachari

For R-1 : Mr.R.Suresh Kumar
Government Advocate

For R-2 : Mr.N.Dilipkumar

ORDER

The subject matter of challenge in the present Writ Petition before this Court is the impugned notice issued by the second respondent, dated 05.06.2021 and for a consequential direction to the second respondent to facilitate the petitioner to avail of the moratorium announced by the Reserve Bank of India through Circular dated 05.05.2021.



2. The case of the petitioner is that he availed a jewellery loan from the second respondent Bank. Due to the COVID-19 pandemic, the petitioner was not able to repay back the loan and in the meantime, the impugned notice was issued by the second respondent Bank, directing the petitioner to pay the loan amount immediately, failing which, the jewels will be brought for auction sale.

3. When the matter came up for admission on 25.06.2021, this Court directed the learned counsel appearing for the second respondent to take instructions and report before this Court with regard to the representation made by the petitioner on 08.06.2021, wherein, the petitioner has sought for restructuring of the loan account in line with the circular issued by the Reserve Bank of India on 05.05.2021.

4. When the matter was taken up for hearing today, the learned counsel appearing for the second respondent submitted that the representation made by the petitioner on 08.06.2021 is under active consideration of the second respondent Bank and a decision will be taken and conveyed to the petitioner within the time fixed by this Court.

5. Taking into consideration the facts and circumstances of the case and after hearing the learned counsel appearing on behalf of the second respondent Bank, there shall be a direction to the second respondent to consider the representation made by the petitioner on 08.06.2021 and deal with the same on its own merits and in accordance with law and convey the decision to the petitioner within a period of three (3) weeks from the date of receipt of a copy of this order.

6. This Writ Petition stands disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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
The Secretary, Finance Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

+1 CC to DR. MD. POORNACHARI, ADVOCATE SR 21257

+1 CC to Mr.N.DILIPKUMAR, ADVOCATE SR 21358

Order made in
W.P. (MD) .No.10557 of 2021

PM
TR (12.07.2021) 3P 4C