



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 05.08.2021**

**CORAM:**

**THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY**

**W.P. (MD) No.13498 of 2021**

R.Thilagavathi

... Petitioner

Vs.

The Bank Manager  
HDFC Housing Development and Finance Corporation Ltd.,  
No.406, Sakthi Sivam Plaza  
Pumping Station Road,  
9th Cross Road.  
K.K.Nagar,  
Madurai - 625 020.

... Respondent

**Prayer:** Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondent to restructure the housing loan borrowed by the petitioner from respondent bank, in respect of loan accounts (1) 635427998, (2) 637330980, (3) 641499648 and (4) 642142478.

|                |                    |
|----------------|--------------------|
| For Petitioner | : Mr.S.Balamurugan |
| For Respondent | : Mr.Pala Ramasamy |

**ORDER**

The petitioner seeks restructuring of four loan accounts pertaining to a borrowing from the respondent / Housing Development and Finance Corporation Limited.

2. Mr.Pala.Ramasamy, learned counsel, accepts notice on behalf of the respondent.

3. The admitted position is that the petitioner availed of loans from the respondent and was unable to discharge such loans in terms thereof. It is also evident that the said loan accounts were classified as non performing assets. The relationship between a bank and its constituent is a commercial relationship, which is governed by the terms and conditions of the loan agreements concerned. As such, ordinarily, in exercise of discretionary jurisdiction under Article 226 of the Constitution, the Court declines to interfere in such matters. The petitioner has been unable to point out any extraordinary reasons as to why interference is warranted in the present matter.

4. Besides, any bank, whether public or private, is obligated to take decisions such as restructuring based on a uniform policy which would apply to the entire class of borrowers. Therefore, the petitioner has failed to make out any ground for



interfering with the decision of the Bank by which restructuring was refused in response to the request made by the petitioner in November 2020.

5. Accordingly, W.P.(MD).No.13498 of 2021 is dismissed without any order as to costs. However, this order shall not preclude the respondent from considering or granting restructuring in accordance with its policies or any directives from the Reserve Bank of India.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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.

+1 CC to M/s.S.BALAMURUGAN, Advocate ( SR-25288[F] dated 05/08/2021 )

**W.P. (MD) .No.13498 of 2021**

**05.08.2021**

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