



WEB COPY



W.P.No.17002 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.17002 of 2022

and W.M.P.No.16288 of 2022

1.Mohan Krishna R K

2.Pushpa M

... Petitioners

Vs

1.The Secretary

Union Finance Ministry

Government of India

Room No. 129-B

New Delhi 110 001

2.Reserve Bank of India

No.16, Rajaji Salai

Fort Glacis

Chennai 600001

3.National Housing Bank

Core 5-A, India Habitat Centre

Lodhi Road, New Delhi 110 003

4.Registrar of Companies

Block No.6, B Wing 2nd Floor

Shastri Bhawan, 26, Haddows Road,

Chennai 34.



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5.M/s. Sundaram Home Finance Limited
Formerly known as Sundaram BNP
Paribas Home Finance Limited
Rep. by Authorised Officer
Corporate Office at Sundaram Towers
No. 46 Whites Road, Chennai 600014
Branch Office at Old No.1, New No.1,
2nd Floor, Krishnar Koil Street,
Rudlers Lane, Mannady,
Opp. To Harbour Police Station,
Parrys, Chennai 600001.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondents 1 to 4 to consider and dispose our representation dated 07.5.2022 and consequently directing the Respondents 1 to 4 to take appropriate action after conducting enquiry against the 5th respondent for the violation of statutory provisions of law.

For the Petitioners : Mr.R.Balaguruswamy

For the Respondents : Mr.V.Ashok Kumar, C.G.C.,
for RR 1 and 4

* * * * *

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

The writ petition has been filed to seek a direction on respondents 1 to 4 to consider and decide the representation made



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by the petitioners. The representation was made on 07.05.2022 and immediately thereupon, the writ petition was filed. The representation was made when the respondent financial institution issued a demand notice on 30.03.2022 by way of publication demanding a sum of Rs.11,72,936/- stating that the notice issued under Section 13(2) of the Act of 2002 has been returned unserved.

2. Learned counsel for the petitioners submits that the entire due amount has been paid to the financial institution. If the amount due was already paid, then what prevented the petitioners from immediately sending a reply to the demand notice. The demand notice was issued when the notice under Section 13(2) of the Act of 2002 returned unserved.

3. In view of the above, we do not find any reason to issue a direction of the nature sought by the petitioners. It is more so when a representation was given only on 07.05.2022 and immediately thereupon, the writ petition was filed to seek a direction on the financial institution to consider and decide the



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representation. The representation must be under consideration otherwise notice under Section 13(4) of the Act of 2002 would have been served which is then appealable before the Debts Recovery Tribunal.

The writ petition is, accordingly, dismissed. No costs.
Consequently, W.M.P.No.16288 of 2022 is ordered.

(M.N.B., CJ.) (N.M., J.)
05.07.2022

Index : Yes/No
sra

Note: Order copy be issued
on payment of separate
court-fee.

B/o
sra
15.07.2022



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To:

- 1.The Secretary
Union Finance Ministry
Government of India
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New Delhi 110 001
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- 3.National Housing Bank
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W.P.No.17002 of 2022

M.N.Bhandari, CJ.
and
N.Mala, J.

(sra)

W.P.No.17002 of 2022

05.07.2022