



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.4377 of 2014

1. A.Masilamani (Died)
2. M.Sellam
W/o.Late Masilamani
3. M.Ambethkan Maniselvan
S/o.Late Masilamani
4. M.Vijayavallaban
S/o.Late Masilamani
5. M.Karthik
S/o.Late Masilamani

[Petitioners 2 to 5 substituted as legal representatives of deceased sole petitioner vide order dated 07.06.2022 made in W.M.P.No.11125 of 2022 in W.P.No.4377 of 2014]

... Petitioners

.Vs.

1. The Chairman,
LIC of India,
Central Office,
Mumbai.
2. The Senior Divisional Manager,
P & IR Department,
LIC of India, Divisional Office,
"Jeevan Prakash" Johnsonpet,
Salem - 636 007.
3. The Secretary (P & IR),
LIC of India,
Southern Zonal Office,
P.B.No.2450, LIC Building,
153, Anna Salai,
Chennai - 600 002.



4. The Branch Manager,
LIC of India,
Namakkal Branch,
No.29/C-2, Dr.Sankaran Road,
Ganesapuram, Namakkal,
Pin - 637 001.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of third respondent in Reference No.SZ/IR/DD and quash the order dated 24.10.2013 by which the petitioner's request seeking for modification regarding the charge of interest at 15.5% with 3% additional interest on housing loan has been rejected and direct the respondents to charge interest at IEHS rate of 5.5% from inception of loan and refund excess interest at 10% p.a. recovered from the salary at OYHS rate of 15.5% and also 3% additional interest on the ground of lapsation of policy.

For Petitioners : Mr.S.Balasubramanian

For Respondents : Mr.D.Muthukumar

O R D E R

The order passed by the respondents LIC Management charging market rate of interest for home loan is under challenge in the present writ petition.

2. The learned counsel appearing for the petitioner submitted that the petitioner availed housing loan from the Life Insurance Corporation of India by executing an agreement. The petitioner challenges the charging of interest for the housing loan. Learned counsel reiterated that the interest charged is exorbitant and over and above the normal interest to be charged for the in-house employees.

3. The fact remains that it is a contractual obligation between the parties and the petitioner signed the agreement while availing the housing loan from the Management. If at all, the petitioner disputes the terms and conditions of the contract, an adjudication is warranted. Such an adjudication with reference to the original document and evidence cannot be undertaken by the High Court in a writ petition under Article 226 of the Constitution of India. Thus, the petitioner has to approach the competent forum for the purpose of adjudication of



the disputed facts and resolve the same in the manner contemplated. With reference to the dispute relating to contractual obligations, normally, writ proceedings are not entertainable, except in cases where such issues are narrowed down or based on certain principles.

4. In the present case, the terms and conditions are to be adjudicated and the original contract and the evidences are also to be scrutinized. This being the factum, the petitioner is at liberty to approach the competent forum for the purpose of adjudication of issues and to redress his grievance in the manner known to law. In the event of any such approach, the forum concerned shall take into consideration the period during which this writ petition was pending before the High Court for the purpose of condonation of delay and decide the issues on merits and in accordance with law.

Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Chairman,
LIC of India,
Central Office,
Mumbai.
2. The Senior Divisional Manager,
P & IR Department,
LIC of India, Divisional Office,
"Jeevan Prakash" Johnsonpet,
Salem - 636 007.
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Pin - 637 001.

+1cc to Mr.S.Balasubramanian, Advocate, S.R.No.33819
+1cc to Mr.D.Muthukumar, Advocate, S.R.No.33890

WRIT PETITION NO.4377 OF 2014

PL (CO)
PBS/22/06/2022