



W.P.No.28864 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.28864 of 2022

A.Aboobucker

.. Petitioner

Vs

- 1.The Secretary,
Ministry of Finance,
Govt. of India,
Rajpath Marg, E Block Central,
Secretariat, New Delhi-110 011.
- 2.The Secretary,
Department of Financial Services,
Ministry of Finance,
3rd Floor, Jeevan Deep Building,
Sansad Marg, New Delhi-110 001.
- 3.The Reserve Bank of India,
rep. by its Secretary,
Banking Department,
Finance Department,
Government of India,
3rd Floor, Jeevan Deep Building,
Sansad Marg, New Delhi-110 001.



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4.The Managing Director,
National Housing Bank,
Core 5-A, India Habitat Centre,
Lodhi Road,
New Delhi-110 003.

5.The Authorised Officer under SARFAESI Act,
LIC Housing Finance Limited,
Harrington Chambers, Block No.A & C,
No.30/1A, Abdul Razack 1st Street,
Saidapet, Chennai-600 015.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 to 4 to provide relief to the petitioner in accordance with S.13 of the Disaster Management Act, 2005 sought vide his letter dated 20.09.2022 and consequently directing the 5th respondent to restructure his loan account No.510700010590 without insisting for payment of pending loan arrears.

For the Petitioner : Mr.V.Arunagiri

For the Respondents : Mr.V.Chandrasekaran
SPC
for respondent Nos.1 and 2

: Mr.N.Sivaprakash
for respondent No.4

: Mr.Imayavarambam
for M/s.Ramalingam Associates
for respondent No.5



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ORDER

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

The petitioner, A.Aboobucker, Managing Partner of M/s.Ariff and Company, Chennai-4, has filed this writ petition seeking a direction on respondents 1 to 4 to provide the relief as sought for in his letter dated 20.9.2022 in accordance with Section 13 of the Disaster Management Act, 2005 and also to direct the fifth respondent to restructure his loan Account No.510700010590 without insisting for payment of pending loan arrears.

2. Today when the matter is taken up for hearing, Mr.V.Chandrasekaran, learned counsel appearing for respondents 1 and 2, by placing reliance upon the decision of the Apex Court in the case of ***Small Scale Industrial Manufacturers Association (Registered) v. Union of India, (2021) 8 SCC 511***, more particularly paragraph 79, submitted that the petitioner cannot pray for sector-specific relief either by way of waiver of interest or



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restructuring by invoking the writ jurisdiction.

3. In ***Small Scale Industrial Manufacturers Association***,
supra, the Apex Court held thus:

"79. Now so far as the submission on behalf of the petitioners that RBI should have issued directions which are sector-specific and addressing such sector-specific issues is concerned, at the outset, it is required to be noted that as such the Committee headed by Shri K.V. Kamath had gone into such sector-specific issues and gave its recommendations. The recommendations of the Kamath Committee have been substantially accepted by RBI in its Circular dated 7.9.2020 which provides for separate threshold for 26 sectors including power, real estate and construction. Even otherwise, it is required to be noted that every sector might have suffered differently and therefore, it will not be possible to provide sector-specific/sector-wise reliefs. The petitioners cannot pray for sector-specific relief by either waiver of interest or restructuring by way of present proceedings under Article 32 of the Constitution of India and the question of such



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financial stress management measures requires examination and consideration of several financial parameters and its impact.”

4. In the light of the decision of the Apex Court in the case of ***Small Scale Industrial Manufacturers Association***, supra, the prayer in the writ petition cannot be countenanced. That apart, it is not within the judicial scope of this court to issue the directions as sought for by the petitioner.

5. Accordingly, the writ petition is dismissed. There will be no order as to costs. Consequently, W.M.P.Nos.28151 and 28152 of 2022 are closed.

(T.R., ACJ.) (D.K.K., J.)
01.12.2022

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