



WEB COPY



W.P.(MD)No.9684 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.9684 of 2021

B.Kamaraj

... Petitioner

Vs.

1.The Regional Director,
Reserve Bank of India,
No.16, Rajaji Salai,
Chennai.

2.The Managing Director,
APTUS Value Housing Finance India Ltd,
Corporate Office, No.8-B, Doshi Towers,
205, Poonamalle High Road,
Kilpauk, Chennai.

3.The Manager,
APTUS Value Housing Finance India Ltd.,
Door No.114/7G, First Floor,
Kandapuram Street,
Virudhunagar District.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the first respondent to take necessary action as against the second and third respondents based on the petitioner's representation dated 15.02.2021 within the time stipulated by this Court.

For Petitioner : Mr.N.Mariappan
For R3 : Mr.V.Sukumar



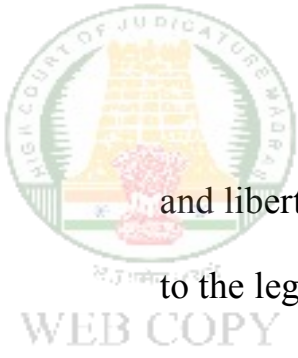
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ORDER

WEB COPY This writ petition has been filed for the issue of writ of mandamus directing the first respondent to take action against the second and third respondents based on the representation made by the petitioner on 15.02.2021.

2.The case of the petitioner is that the loan was issued in the name of his father by the second and third respondents and that they charged exorbitant interest. That apart, they are continuing to maintain the loan account in the name of the father, who had died as early as on 24.03.2019. The further grievance of the petitioner is that for the meagre loan that was given in the name of the father of the petitioner, an attempt was made by the second and third respondents to grab the valuable property. In view of the same, the petitioner gave a representation to the first respondent to take action against the second and third respondents. Since the same was not considered, the present writ petition was filed before this Court.

3.When the matter is taken up for hearing today, it is brought to the notice of this Court that the second and third respondents proceeded further by issuing notice under Section 13(2) of the SARFAESI Act and this notice became the subject matter of a challenge before this Court in W.P.(MD)No. 15450 of 2021. That Writ Petition was allowed by an order dated 27.08.2021



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and liberty was granted to the second and third respondents to issue fresh notice to the legal heirs of the deceased.

4.Pursuant to the above order, the second and third respondents have proceeded to issue fresh notice dated 21.04.2023 under Section 13(2) of the SARFAESI Act. Now, the notice has been issued to the legal heirs of the deceased and accordingly, notice has been served on the petitioner and his sister.

5.In view of the above, it is left open to the petitioner to agitate his grievance before the proper forum by raising all the grounds. This Writ Petition is disposed of with this direction. No costs.

17.10.2023

NCC : Yes / No
Index : Yes/No
Internet : Yes/No
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N.ANAND VENKATESH, J.

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