



W.P.(MD) No.10229 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

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C.Kalyanaraman

... Petitioner

-vs-

The Authorised Officer
REPCO Home Finance Ltd.,
promoted by : REPCO Bank
Government of India Enterprise
No.26, Ground Floor, ARR Complex
Kenikarai, Ramanathapuram District

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondent to forbear from initiating any coercive action in connection with a Housing Loan bearing No.2031870000240 and Mortgage Loan bearing No.2031890000110 availed by the petitioner and the mortgage loans in the name of petitioner's mother-in-law namely Amutha bearing Loan No.2031820000061 and bearing loan 2031880000157 and the



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WEB COURT Housing loan in the name of petitioner's younger brother Boopathiraja bearing No.20318811000087.

For Petitioner : Mr.R.Murugan

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Prayer in this writ petition reads as follows:

“For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble Court may be pleased to issue a writ or order or direction and in more particular in the nature of WRIT OF MANDAMUS directing the respondent to forbear from initiating any coercive action in connection with a Housing Loan bearing No.2031870000240 and Mortgage Loan bearing No.2031890000110 availed by the petitioner and the mortgage loans in the name of petitioner's mother-in-law namely Amutha bearing Loan No. 2031820000061 and bearing loan 2031880000157 and the Housing loan in the name of petitioner's younger brother Boopathiraja bearing No.20318811000087 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case, considering gravity of the situation and thus render justice.”



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2. If such a prohibitive mandamus is granted, it would amount to preventing the creditor from exercising his legal right of recovery. Such a mandamus cannot be issued. Hence, this writ petition is dismissed. No costs.

[R.S.M., J.]

[L.V.G., J.]

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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