



W.P(MD)No.21229 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.21229 of 2021
and
WMP(MD)No.17819 of 2021

1. Dr.J.Premkumar

2. Dr.Senega Premkumar

... Petitioners

VS.

1. The Area Manager,
LIC Housing Finance Ltd.,
132, 1st Floor, M.S.Road,
Vadasery, Nagercoil,
Kanyakumari District.

2. The Manager (Operations)
LIC Housing Finance Ltd.,
S.S.Towers, 4th Floor,
No.78/4, Bye Pass Road,
Madurai-10.

3. The Regional Manager,
LIC Housing Finance Ltd.,
Floor No.30, Harrington Chambers,



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Block C, II, IA, Abdul Razzack,
1st Street, Saidapet, Chennai-15.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to restructure the petitioner's loan after giving 24 months moratorium.

For Petitioners : No appearance
For Respondents : Mr.V.Veera Pandian

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

The prayer in the writ petition is for issuance of a Writ of Mandamus, directing the respondents to restructure the petitioners' loan after giving 24 months moratorium.

2. None appeared for the petitioner. Even on the last occasion also namely, 21.09.2022, there was no representation for the petitioner.



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3. Learned counsel for the respondents submitted that the petitioner has approached the respondents seeking one time settlement and the same was offered by the respondents and the petitioner also paid Rs.6.72 Crores.

4. In view of the subsequent event that has taken place, the prayer of the petitioners for restructuring the loan cannot be considered and the same is liable to be rejected in the light of the order passed by the Principal Seat of this Court in **W.P.No.28864 of 2022, dated 01.12.2022 (A.Aboobucker vs. The Secretary, Ministry of Finance, Govt. of India and others)**. The relevant portion of the said order reads as follows:-

*"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 restructuring by invoking the writ*



WEB COPY 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 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



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5. Accordingly, this Writ Petition is dismissed. No costs.

Connected miscellaneous petition is closed.

NCC : Yes / No
Index : Yes / No
Internet : Yes
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[D.K.K.,J.] & [L.V.G.,J.]
09.02.2023



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D.KRISHNAKUMAR, J.
and
L.VICTORIA GOWRI, J.

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ORDER MADE IN
W.P(MD)No.21229 of 2021
DATED : 09.02.2023