



WP (MD) No.10140 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.10140 of 2016

R.Janarnadhanam

... Petitioner

Vs

1.Lakshmi Vilas Bank,
Represented by its Chief Manager,
Karur West Bank,
VV Towers,
No.207/5, Kovai Road,
Karur.

2.Unique Management Solutions,
Represented by its Managing Director,
No.12/1, Manikavasagam Street,
Fair lands, Salem.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus forbearing the 1st respondent from engaging recovery agents or any third parties to follow the illegal method to recover the loan amount from the petitioner and without following the due process of law.

For petitioner : Mr.N.Shanmugaselvam

For Respondents : Mr.S.Balasubramanian for R1

: No appearance for R2



WP (MD) No.10140 of 2016

ORDER

WEB COPY

The petitioner with a grievance that the 1st respondent by engaging recovery agents is harassing the petitioner. The recovery agents are adopting illegal methods to recover the loan availed by this petitioner and also without following any process of law.

2.This writ petition has been filed in the year 2016. Notice was ordered to the respondent Bank in the year 2016. The respondent bank has not disputed the averments made in this writ petition by way of any counter for the past 7 years and there is no representation for the respondent bank.

3.The Hon'ble Supreme Court in Manager, ICIC Bank Limited Vs Prakash Kaur and Ors, reported in 2007(2) CTC 334 has held that the bank cannot employ goondas to take possession by force. The relevant portion reads as follows:

“In conclusion, we say that we are governed by a rule of law in the country. The recovery of loans or seizure of vehicles could be done only through legal means. The Banks cannot employ goondas to taken possession by force.”



WP (MD) No.10140 of 2016

4. In view of the above decision of the Hon'ble Supreme Court and that the averments made in this writ petitions are not disputed by the respondent bank, this writ petition is allowed. No costs.

05.10.2023

dsk

To

The Chief Manager,
Lakshmi Vilas Bank
Karur West Bank,
VV Towers,
No.207/5, Kovai Road,
Karur.



WEB COPY



WP (MD) No.10140 of 2016

B.PUGALENDHI, J.

dsk

WP(MD)No.10140 of 2016

05.10.2023