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W.P.No.13669 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.13669 of 2021

S. Seenivasan S/o. Saravanan

... Petitioner

Vs.

1. Authorised Signatory,
M/s. Dewan Housing Finance Corporation Limited,
Old No.24, New No.36, Dr. Ambedkar Road,
3rd Floor, Kalpalathika Towers, Ashok Nagar,
Kodambakkam, Chennai-600 024.

2. Director (HFA-5),
Ministry of Housing and Urban Affairs
Pradhan Mantri Awas Yojana (Urban),
Room No.118, G Wing, NBO Building,
Nirman Bhawan, New Delhi – 110 011.

3. Secretary (HUA),
Ministry of Housing and Urban Affairs,
Nirman Bhawan, Maulana Azad Road,
New Delhi – 110 011.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd and 3rd respondents to consider the petitioner's representation dated 11.03.2021 sent to them and to order for re-credit of the subsidy amount Rs.2,16,431/- sanctioned to the



petitioner's home loan account under PMAY-CLSS later that has been recalled as per the 1st respondent communication dated 21.09.2020.

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For Petitioner : Mr. R. Karunakaran

For Respondents : Not Ready in notice [for R1]
Dr. G. Babu
CGSC[for R2 & R3]

ORDER

The relief sought for in the present writ petition is to direct the 2 and 3 respondents to consider the petitioner's representation dated 11.03.2021 and to order for re-credit of the subsidy amount of Rs.2,16,431/- sanctioned to the petitioner's home loan amount under PMAY-CLSS later that has been recalled as per the 1st respondent *vide* communication dated 21.09.2020

2. Admittedly, the petitioner has availed the housing loan from the 1st respondent/Dewan Housing Finance Corporation Limited which is a private financing company, under the Pradhan Mantri Awas Yojana (Urban). Subsidy has been granted for the Housing schemes by the Government of India.



3. The grievances of the petitioner is that the subsidy granted in favour of the petitioner was recalled by the 1st respondent/finance company in proceedings dated 21.09.2020.

4. Learned Counsel for the respondents Mr.G.Babu would submit that the benefit of the subsidy is to be extended only in favour of female borrowers along with their spouse under the scheme. Since the petitioner was ineligible to avail the subsidy, the benefit was recalled.

5. However, Mr.R.Karunakaran, the learned Counsel for the petitioner would submit that the subsidy is to be granted to the lower income group people and the petitioner belongs to middle income group. Therefore, entitled for the subsidy.

6. All such facts cannot be adjudicated in writ petition. The 1st respondent/Finance Company has already passed an order on 21.09.2020 which is not under challenge. More so, the Government Schemes are not implemented directly, but it was implemented through housing finance companies and the eligibility conditions are determined by the financial institutions. If at all, the petitioner is aggrieved, he has to challenge the



order passed by the 1st respondent in the manner known to law. The 1st respondent being a private finance company, no writ is entertainable. Thus, the petitioner is at liberty to workout his remedy in the manner know to law.

7. With this liberty, the writ petition stands dismissed. No costs.

07.02.2024

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Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

To

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