



WEB COPY



WP No.32627 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

WP No.32627 of 2022

C.Augustin Jebaraj

.. Petitioner

-VS-

1. The Reserve Bank of India,
No.16, Rajaji Salai,
Fort Glacis, St. George Fort,
Chennai 600 001.
2. The Joint Sub-Registrar,
Andheri Taluk-5, Jogeewari Telephone
Exchange, Mumbai 400 102.
3. HDB Financial Services Limited,
Rep. by its Authorised Officer,
No.68/2, Loyal Tower, 4th Floor,
Greens Road, Chennai 600 006.
4. Edelweiss Asset Reconstruction Company
Limited, Edelweiss House, C.S.T.Road,
Kalina, Mumbai 400 098.
(R-4 impleaded vide order dt.31.07.2023
made in WP)

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to dispose of



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petitioner's representations dated 21.09.2022 and 03.11.2022 to cancel Assignment Agreement Doc No.Badar 17/6564/2021 dt.17.02.2021.

For Petitioner : Dr.Thiyagarajan
Senior Counsel
for Mr.A.Muruganandam

For Respondents : No appearance for RR 1 and 2
: Mr.M.Ajmal Azzath for R-3
: Mr.V.Balasubramani for R-4

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Dr.Thiyagarajan, learned senior counsel for the petitioner, Mr.M.Ajmal Azzath, learned counsel for respondent No.3 and Mr.V.Balasubramani, learned counsel for respondent No.4. None appears for respondents 1 and 2.

2. The contention of the petitioner is that the entire loan amount has been repaid and pursuant thereto, the respondent No.3 withdrew the execution proceedings.

3. It is the contention of the learned counsel for respondent No.3/Assignor and respondent No.4/Assignee of the loan that the



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counsel committed a mistake and instead of filing an application that the loan has been assigned, he has withdrawn the EP. The same was a mistake on the part of the counsel.

4. The present writ petition is filed for return of the documents and to cancel the Assignment Agreement.

5. The disputed questions of fact exist. The assignment of loan is between respondents 3 and 4. The petitioner claims complete discharge of loan and payment to respondent No.3 on the basis of the termination memo filed by respondent No.3 on 15.04.2021. However, in the present writ petition, the details of the payment made by the petitioner are not forthcoming.

6. As disputed questions of fact exist, it would be appropriate for the petitioner to approach the forum where the proceedings were decided or appropriate forum as may be permissible under law. In that event, all the contentions of the respective parties are kept open.



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With the aforesaid observation, the writ petition is disposed of.

There shall be no order as to costs.

(S.V.G., CJ.) (J.S.N.P., J.)
12.04.2024

Index : Yes/No

Neutral Citation : Yes/No

sra

To

1. The Reserve Bank of India,
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THE HON'BLE CHIEF JUSTICE
AND
J.SATHYA NARAYANA PRASAD, J.

(sra)

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