



WEB COPY



WP.No.26121/2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26121 of 2018
& WMP.No.30356 of 2018

K.Mathiyalagan

...Petitioner

vs.

1.The District Collector,
Office of the Collector Office,
Salem District.

2.The Sub-Registrar,
Sub-Registrar Office,
Gangavalli S.R.O., Salem District.

3.Salem Finance rep. by its
Managing Director
C.Periyasamy

4.Salem Finance rep. by its
Joint Executive Director
S.Kirubakaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 1st respondent to conduct the enquiry under the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and initiate the action against the 3rd and 4th



WP.No.26121/2018

respondents.

For Petitioners	: Mr.R.Karunagaran
For R1 and R2	: Mr.P.Balathandayutham, Special Government Pleader
For R3 and R4	: Mr.T.Murugamanickam Senior Counsel for Mrs.Zeenath Begum

ORDER

The writ of mandamus has been instituted to direct the first respondent District Collector to conduct an enquiry under the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.

2.Admittedly, the petitioner borrowed loan from the third respondent financial institution. The contention of the petitioner would be that the third respondent is charging exorbitant rate over and above the normal interest prescribed by the financial institutions. The petitioner has mortgaged his immovable property and secured loan. In this context, the petitioner submitted an application to the District Collector to conduct an enquiry under the provisions of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.



WP.No.26121/2018

WEB COPY

3.The learned senior counsel appearing on behalf of the respondents 3 and 4 made a submission that power to conduct enquiry by the District Collector has not been conferred under the Act and therefore, the representations submitted by the petitioner, in this regard, is not entertainable. It is contended that the District Collector is not the competent authority under the Act to entertain any such complaint filed by the petitioner to deal with the interest charged by the financial institutions.

4.Perusal of the Act would reveal that there is no such provision conferring power on the District Collector to conduct an enquiry in the event of a complaint regarding charging of exorbitant interest. Therefore, the petitioner has to approach the competent forum for the purpose of redressal of his grievances.

5.The learned counsel for the petitioner states that the petitioner is ready and willing to settle the issues. That being so, the petitioner is at liberty to approach the authorities of the respondents 3 and 4 for settling the issue by way of negotiations. In the event of failure, the petitioner is at liberty to approach the competent forum for the purpose of redressal of his



WP.No.26121/2018

grievances. However, the District Collector cannot adjudicate the issues under the provisions of the Act.

6.With these observations, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

04.01.2024

Tsg

Index : Yes/No

Internet:Yes/No

Speaking Order/Non-speaking Order

To

1.The District Collector,
Office of the Collector Office,
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2.The Sub-Registrar,
Sub-Registrar Office,
Gangavalli S.R.O., Salem District.

S.M.SUBRAMANIAM , J.



WEB COPY



WP.No.26121/2018

Tsg

W.P.No.26121 of 2018

04.01.2024