



W.P (MD).No. 26375 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.26375 of 2024

Indumathi

...Petitioner

Vs.

The General Manager,
M/s.LIC Housing Finance Ltd.,
No.16/17, North Veli Street,
2nd Floor, A.R.Plaza,
Madurai-625 001.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to restructure the petitioner's pending loan account so as to enable the petitioner to settle her above loan until than the respondent not to take any physical possession of petitioner's dwelling house without due process of law by way of considering the petitioner's representation, dated 10.10.2024 within the stipulated time fixed by this Court.

For Petitioner : Mr.P.Ranjith Kumar



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ORDER

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This writ petition has been filed for a direction directing the respondents to restructure the petitioner's pending loan account so that, the petitioner enable to settle the loan dues, until than the respondent not to take any physical possession of petitioner's dwelling house without due process of law.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner availed the housing loan to the tune of Rs.15,00,000/- from the respondent, in which, one Arumugam stood as guarantor. While availing the loan, the petitioner also executed memorandum of deposit of title deed with the respondent in respect of the property comprised in Survey No.253/2 to an extent of 2205 sq.ft, situated at Nagarkulam, Sankarkulam Village, K.K.Pallam Group, Manamadurai Taluk, Sivagangai District. Due to various reasons, the petitioner could not able to complete the entire loan due. Now, the petitioner apprehends that the respondent without due process of law taking action as against him to recover the loan amount. Admittedly, the petitioner is in due of loan amount with the respondent herein.



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The only apprehension of the petitioner is that without due process of law, the respondent is taking action against the petitioner.

4. This Court cannot restrict to restrain the respondent for taking action as against the petitioner for non-payment of loan amount. However, the respondent is directed to take appropriate action as against the petitioner for non-repayment of the loan amount only on due process of law.

5. In view of the above, the writ petition is disposed of. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN, J.

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