



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-08-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 21430 of 2025

P.Munisamy

Petitioner(s)

.Vs.

1. The Secretary
Union Government of India
Ministry of Finance,
Jeevan Deep Building,
Sandad Marg,
New Delhi-110 001.

2.The Commissioner
The Ministry of Finance
Department of Revenue
12th Main Road, L Block,
Kurinji Colony,
Anna Nagar, Chennai-600 040.

3.The Chief Executive Officer
National Housing Bank,
Unit No.716A, 7th Floor , Phase II,
Office Lobby, Spencer Plaza,
769, Anna Salai, Chennai-600002.



4.The Managing Director
Edel Weiss, (NDO),
No.19, Kochar Tower,
7th and 8th Floor,
Venkatnarayana Road,
T.Nagar, Chennai-600 017.

5.The Branch Manager
Edel Weiss Housing Finance Ltd,
No.620/ 6, Chittoor Bus Stop,
(MRF Tyres Building)
Vellore- 632 007.

Respondent(s)

(R1 & R2 are deleted from the array of parties vide order Dated 17.06.2025 made in WP.No.21430/2025)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents , in Particular 3rd respondent to take necessary action based on the petitioner's representation dated 12.05.2025.

For Petitioner(s): Mr.M.Saravana Kumar

For Respondent(s): Mr.V.Balasubramani
for R3



ORDER

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This writ petition has been filed for the issue of a writ of mandamus directing the respondents to act upon the representation made by the petitioner on 12.5.2025, wherein the petitioner is requesting the 5th respondent bank to accept the one time settlement offered by the petitioner.

2.In the considered view of this Court, the present writ petition is not maintainable since the effective relief has been sought for only against the private bank. The Apex Court in recent decision in **S.Shobha .vs. Muthoot Finance Limited** reported in **2025 4 CTC 327** made it very clear that a writ petition cannot be maintained as against a private bank since they do not come within the purview of Article 12 of the Constitution of India. Specific reliance can be placed on paragraph 9 of the said judgement.

3.The learned counsel for the petitioner submitted that the direction has been sought for against the 3rd respondent who is the controlling authority of the 5th respondent bank. The above submission made by the learned counsel



for the petitioner is liable to be rejected by this Court. It is for the 5th respondent bank to take a decision as to whether the OTS proposal given by the petitioner has to be accepted. The 3rd respondent will not have any role to play in such a decision taken by the 5th respondent. Therefore, the present writ petition is misconceived. The relief as sought for by the petitioner cannot be granted by this Court.

In the result, this writ petition is dismissed. No costs.

20-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

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2.The Managing Director
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3.The Branch Manager
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6/6

WP No. 21430 of 2



N.ANAND VENKATESH J.

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WP No. 21430 of 2025

20-08-2025