

(2011) 08 MAD CK 0277

Madras High Court (Madurai Bench)

Case No: Writ Petition (MD) No. 3145 of 2006 and W.P (MP) (MD) No. 3410 of 2006

P. Hariharan

APPELLANT

Vs

The Union of India (UOI), The LIC
Housing Finance Limited and
The Recovery Officer, LIC
Housing Limited

RESPONDENT

Date of Decision: Aug. 2, 2011

Acts Referred:

- Constitution of India, 1950 - Article 226

Hon'ble Judges: Vinod K.Sharma, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Vinod K.Sharma, J.

The Petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India praying therein for issuance of a Writ in the nature of Mandamus, directing the second and third Respondents to furnish the statement of account relating to the loan and to reschedule the instalment by fixing the current rate of interest and to grant grace period of six months to enable the Petitioner to pay the instalments and further to restrain the Respondents from interfering with the Petitioner's possession and enjoyment of the properties or to bring the property for sale.

2. The Petitioner wanted the grace period of six months which already stands expired. Even otherwise, this Court cannot issue a writ of prohibition restraining the authority to initiate proceedings under the statute, specially when the statute itself provides remedy, against action to be taken against the defaulters

3. The Writ Petition *prima facie* not competent. However, as nobody put in appearance on behalf of the petitioner, the Writ Petition is dismissed for non-prosecution.
4. Consequently, connected Miscellaneous Petition is dismissed. No. costs.