



WP (MD) No.8753 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.8753 of 2017

and

WMP(MD)Nos.6679 and 6680 of 2017

A.Shanthi

... Petitioner

Vs

1.The Banking Ombudsman,
Reserve Bank of India,
Chennai.

2.L& T Housing Finance,
L& T House,
Narottam Morarji Marg,
Ballard Estate,
Mumbai – 400 001.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus by directing the 1st respondent to conduct the enquiry against the 2nd respondent based on the petition submitted by the petitioner on 19.10.2016.

For petitioner : Mr.S.Rengasamy

For Respondent : Mr.K.R.Laxman,
No.1 Standing Counsel

For Respondent : No representation
No.2



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ORDER

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The petitioner is said to have borrowed a loan from the 2nd respondent Finance Company by mortgaging his property. The grievance of the petitioner is that he has borrowed a sum of Rs.8,93,562 on 27.01.2007 and has repaid the entire loan amount together with interest. Even thereafter the 2nd respondent finance company has not closed the account. Therefore, the petitioner has submitted an application before the 1st respondent RBI and filed this writ petition for a writ of mandamus directing the 1st respondent to conduct enquiry as against the 2nd respondent based on the petitioner's application dated 19.10.2016.

2.The learned Counsel for the 1st respondent submits that the 2nd respondent is a non banking financial company and the petitioner has to work out his remedy only before the consumer grievance redressal forum.

3.The learned Counsel for the petitioner submits that the petitioner has already approached the consumer grievance redressal forum and the application of the petitioner has been dismissed.



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4. The petitioner cannot maintain a writ petition as against the non banking financial company and considering that this writ petition is pending from the year 2017, this writ petition is dismissed with liberty the petitioner to file an appeal challenging the order of the consumer grievance redressal forum and on such appeal filed by the petitioner, the appellate forum shall take it on file and proceed further in accordance with law without sticking on the limitation. No costs.

05.10.2023

dsk

To

1. The Banking Ombudsman,
Reserve Bank of India,
Chennai.

2. L& T Housing Finance,
L& T House,
Narottam Morarji Marg,
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B.PUGALENDHI, J.

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