



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WRIT PETITION NOS. 13614, 13852, 13865, 13874, 13970,
13984, 14188, 14412, 14841, 14961, 14964, 15086,
15157, 20539, 20895, 21284, 21289 AND 21332 OF 2021

W.P.NO.13614 OF 2021

A.Murugan

... Petitioner

Versus

1. The Union of India,
Rep. by General Manager,
Reserve Bank of India,
Fort Glacis,
Kamarajar Salai,
Chennai - 600 001.
2. The Banking Ombudsman,
C/o. Reserve Bank of India
(Banking Office),
Fort Glacis, Kamarajar Salai,
Chennai - 600 001.
3. The Nodal Officer,
Yes Bank Limited,
Ground Floor,
No.143/1, Uttamar Gandhi Salai,
Nungambakkam,
Chennai - 600 034.
4. The Manager,
Yes Bank Limited,
Kodambakkam Branch,
No.4/12, Third Cross Street,
Third Street,
Trustpuram,
Chennai - 600 034.

... Respondents



W.P.NO.13852 OF 2021

G.Gopalan

... Petitioner

Versus

1. The Union of India,
Rep. by General Manager,
Reserve Bank of India,
Fort Glacis Kamarajar Salai,
Chennai - 600 001.
2. The Banking Ombudsman,
C/o.Reserve Bank of India
Fort Glacis,
Kamarajar Salai,
Chennai - 600 001.
3. The Principal Nodal officer,
Bajaj Finance Limited,
Unit No 209 and 210, 2nd Floor,
Alpha Wing, Beta Wing,
Raheja Towers,
No.177, Anna Salai,
Chennai - 600 002.
4. The Manager,
Bajaj Finserv,
3rd Floor, Kaba Plaza,
No.27, LB Road, Indra Nagar,
Adyar Bus Depot, Adyar,
Chennai - 600 020.

... Respondents

W.P.NO.13865 OF 2021

C.Sathishkumar

... Petitioner

Versus

1. The Union of India
Rep. by General Manager
Reserve Bank of India
Fort Glacis,
Kamarajar Salai
Chennai - 600 001.
2. The Honourable Ombudsman,
C/o. Reserve Bank of India
(Banking Office),
Fort Glacis, Rajaji Salai,
Chennai - 600 001.



WEB COPY

3. The Nodal Officer,
HDFC Bank Limited,
Prime Kushal Towers,
First Floor, "A" Wing,
96, Anna Salai,
Chennai - 600 002.

4. The Manager
No.759, ITC Centre,
Anna Salai,
Chennai - 600 002.

... Respondents

W.P.NO.13874 OF 2021

K.Ramasamy

... Petitioner

Versus

1. The Union of India,
Rep. by General Manager,
Reserve Bank of India,
Fort Glacis, Kamarajar Salai,
Chennai - 600 001.
2. The Honourable Ombudsman,
C/o.Reserve Bank of India
(Banking Office),
Fort Glacis,
Rajaji Salai,
Chennai - 600 001.
3. The Principal Nodal Officer,
RBL Bank Limited,
JMD Megapolls,
Unit No.306-311,
3rd Floor, Sehna Road,
Sector-48, Gurugram,
Haryana - 122 018.
4. The Manager,
RBL Bank Limited,
Credit Card Division,
Ground Floor, Nibav Building,
No.11, LB Road,
Adyar, Chennai - 600 020.

... Respondents



W.P.No.13970 of 2021

C.Sathishkumar

... Petitioner

Versus

WEB COPY

1. The Union of India,
Rep. by General Manager,
Reserve Bank of India,
Fort Glacis, Kamarajar Salai,
Chennai - 600001.
2. The Banking Ombudsman,
C/o. Reserve Bank of India,
Fort Glacis, Kamarajar Salai,
Chennai - 600 001.
3. The Nodal Officer,
HDFC Bank Limited,
Prime Kushal Towers,
First Floor, A Wing,
96, Anna Salai,
Chennai - 600 002.
4. The Manager,
HDFC Bank Limited,
No.759, ITC Centre,
Anna Salai,
Chennai - 600 002.

... Respondents

W.P.NO.13984 OF 2021

C.Sathishkumar

... Petitioner

Versus

1. The Union of India,
Rep. by General Manager,
Reserve Bank of India,
Fort Glacis,
Kamarajar Salai,
Chennai - 600 001.
2. The Banking Ombudsman,
C/o. Reserve Bank of India,
Fort Glacis,
Kamarajar Salai,
Chennai - 600 001.



WEB COPY

3. The Nodal Officer,
Yes Bank Limited,
Ground Floor,
No.143/1, Uttamar Gandhi Nagar,
Nungambakkam,
Chennai - 600 034.

4. The Manager,
Yes Bank Limited,
Kodambakkam Branch,
No.4/12, Third Cross Street,
Third Street, Trustpuram,
Chennai - 600 024.

... Respondents

W.P.NO.14188 OF 2021

C.Sathishkumar

... Petitioner

Versus

1. The Union of India,
Rep. by General Manager,
Reserve Bank of India,
Fort Glacis, Kamarajar Salai,
Chennai - 600 001.
2. The Banking Ombudsman,
C/o. Reserve Bank of India,
Fort Glacis,
Kamarajar Salai,
Chennai - 600 001.
3. The Principal Nodal Officer,
Bajaj Finance Limited
Unit No. 209 and 210,
2nd Floor, Alpha Wing,
Beta Wing, Raheja Towers,
No.177, Anna Salai,
Chennai - 600 002.
4. The Manager,
Bajaj Finserv,
3rd Floor, Kaba Plaza,
No. 27, LB Road, Indra Nagar,
Adyar Bus Depot, Adyar,
Chennai - 600 020.

... Respondents



W.P.NO.14412 OF 2021

C.Sathishkumar

... Petitioner

Versus

WEB COPY

1. The Union of India,
Rep. by General Manager,
Reserve Bank of India,
Fort Glacis, Kamarajar Salai,
Chennai - 600 001.
2. The Banking Ombudsman,
C/o. Reserve Bank of India,
Fort Glacis, Kamarajar Salai,
Chennai - 600 001.
3. The Nodal Officer,
Axis Bank Limited,
Chennai Circle Office,
2nd Floor, No.3,
Club House Road,
Chennai - 600 002.
4. The Manager,
Axis Bank Limited,
82, Aalim Centre,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

... Respondents

W.P.NO.14841 OF 2021

K.Ramasamy

... Petitioner

Versus

1. The Union of India,
Rep. by General Manager,
Reserve Bank of India,
Fort Glacis, Kamarajar Salai,
Chennai - 600 001.
2. The Honourable Ombudsman,
C/o. Reserve Bank of India
(Banking Office),
Fort Glacis,
Rajaji Salai,
Chennai - 600 001.



3. The Nodal Officer,
SBI Card, P.O. Bag No.28,
GPO, New Delhi - 110 001.

4. The President,
Collections,
SBI Cards and Payment Service
Private Limited,
10th Floor, TVH Agnito Park,
Rajiv Gandhi Salai,
Kandanchavadi,
Chennai - 600 096.

... Respondents

W.P.NO.14961 OF 2021

C.Sathish Kumar

... Petitioner

Versus

1. The Union of India,
Rep. by General Manager,
Reserve Bank of India,
Fort Glacis,
Kamarajar Salai,
Chennai - 600 001.

2. The Honourable Ombudsman,
C/o.Reserve Bank of India
(Banking Office),
Fort Glacis, Rajaji Salai,
Chennai - 600 001.

3. The Principal Nodal Officer,
RBL Bank Limited,
JMD Megapolls,
Unit No.306-311,
3rd Floor, Sehna Road,
Sector - 48, Gurugram,
Haryana - 122 018.

4. The Manager,
RBL Bank Limited,
Credit Card Division,
Ground Floor,
Nibav Building,
No.11, LB Road,
Adyar, Chennai - 600 020.

... Respondents



W.P.NO.14964 OF 2021

A.Santhanakrishnan

... Petitioner

Versus

WEB COPY

1. The Union of India,
Rep. by General Manager,
Reserve Bank of India,
Fort Glacis, Kamarajar Salai,
Chennai - 600 001.
2. The Honourable Ombudsman,
C/o.Reserve Bank of India
(Banking Office),
Fort Glacis, Rajaji Salai,
Chennai - 600 001.
3. The Principal Nodal Officer,
Axis Bank Limited,
Circle Office - II,
Floor No.3, Club House Road,
Chennai - 600 002.
4. The Manager,
Axis Bank Limited,
No.6-A, Second Floor,
Centennial Square,
Dr. Ambedkar Road,
Kodambakkam,
Chennai - 600 024.

... Respondents

W.P.NO.15086 OF 2021

L.Yogesh

... Petitioner

Versus

1. The Union of India,
Rep. by General Manager,
Reserve Bank of India,
Fort Glacis, Kamarajar Salai,
Chennai - 600 001.
2. The Banking Ombudsman,
C/o. Reserve Bank of India,
Fort Glacis,
Kamarajar Salai,
Chennai - 600 001.



WEB COPY

3. The Principal Nodal Officer,
Dhana Nidhi Limited,
NRD Tower, No.11, Old No.54,
1st Avenue, Jawaharlal Nehru Road,
Ashok Nagar, Chennai - 600 083.

4. The Manager,
Dhana Nidhi Limited,
NRD Tower, No.11, Old No.54,
1st Avenue, Jawaharlal Nehru Road,
Ashok Nagar, Chennai - 600 083.

... Respondents

W.P.NO.15157 OF 2021

V.Venkatesan

... Petitioner

Versus

1. The Union of India,
Rep. by General Manager,
Reserve Bank of India,
Fort Glacis, Kamarajar Salai,
Chennai - 600 001.
2. The National Housing Bank,
Department of Regulation and Supervision
(Complaint Redress Cell),
4th Floor, Core-5A,
India Habital Centre,
Lodhi Road,
New Delhi - 110 003.
3. The Honourable Ombudsman (NBFC),
C/o. Reserve Bank of India,
Fort Glacis,
Chennai - 600 001.
4. The Principal Nodal Officer,
Magma Housing Finance Limited,
Development House,
24, Park Street,
Kolkatta - 700 016.
5. The Manager,
Magma Housing Finance,
No.17/19, B Block, 3rd Floor,
Navin's Presidium,
Nelson Manickam Road,
Chennai - 600 029.

.. Respondents



W.P.NO.20539 OF 2021

P.Santhanaraj

... Petitioner

Versus

WEB COPY

1. The Union of India,
Rep. by General Manager,
Reserve Bank of India,
Fort Glacis, Kamarajar Salai,
Chennai - 600 001.
2. The Banking Ombudsman,
(Banking Office),
C/o. Reserve Bank of India,
Fort Glacis, Kamarajar Salai,
Chennai - 600 001.
3. The Principal Nodal Officer,
ICICI Bank Limited,
Bandra Kurla Complex,
Bandra East,
Mumbai - 400 051.
4. The Manager,
ICICI Bank Limited,
Ground Floor, Lion Arcade,
No.1-A, Sindupoondurai West Street,
Madurai Road,
Tirunelveli - 627 001.

... Respondents

W.P.NO.20895 OF 2021

L.Yogesh

... Petitioner

Versus

1. The Union of India,
Rep. by General Manager,
Reserve Bank of India,
Fort Glacis,
Kamarajar Salai,
Chennai - 600 001.
2. The Banking Ombudsman,
C/o. Reserve Bank of India,
Fort Glacis,
Kamarajar Salai,
Chennai - 600 001.



WEB COPY

3. The Principal Nodal Officer,
Shriram City Union Finance Limited,
Business Solution Centre,
144, Santhome High Road,
Mylapore, Chennai - 600 004.

4. The Manager,
Shriram City Union Finance Limited,
No.6, Sorrento Buildings 2nd Floor,
Lattice Bridge Road,
Adyar, Chennai - 600 020.

... Respondents

W.P.NO.21284 OF 2021

S.Ilakkia

... Petitioner

Versus

1. The Honourable Ombudsman,
C/o. Reserve Bank of India,
Fort Glacis,
Chennai - 600 001.
2. The Principal Nodal Officer,
Axis Bank Private Limited,
Circle Office - II,
Floor No.3, Club House Road,
Chennai - 600 002.
3. The Manager,
Axis Bank Private Limited,
Kodambakkam Branch,
2/19, 5th Cross Street,
United India Colony,
Kodambakkam,
Chennai - 600 024

... Respondents

W.P.NO.21289 OF 2021

G.Venkatesh

... Petitioner

Versus

1. The Union of India,
Rep. by General Manager,
Reserve Bank of India,
Fort Glacis, Kamarajar Salai,
Chennai - 600 001.



WEB COPY

2. The Banking Ombudsman,
C/o. Reserve Bank of India,
Fort Glacis, Kamarajar Salai,
Chennai - 600 001.
3. The Principal Nodal Officer,
Aditya Birla Finance Limited,
"Star Avenue", No.1 (78), 1st Floor,
6th Cross Street, Victoria Layout,
Victoria Road,
Bengaluru - 560 025.
4. The Manager,
Aditya Birla Finance Limited,
M/7, Thiru.vi.Ka Industrial Estate,
Guindy, Chennai - 600 032.

... Respondents

W.P.NO.21332 OF 2021

S.Sathiya

... Petitioner

Versus

1. The Union of India,
Rep. by General Manager,
Reserve Bank of India,
Fort Glacis, Kamarajar Salai,
Chennai - 600 001.
2. The Banking Ombudsman,
C/o. Reserve Bank of India,
Fort Glacis, Kamarajar Salai,
Chennai - 600 001.
3. The Principal Nodal Officer,
Bajaj Finance Limited,
Unit No. 209 and 210,
2nd Floor, Alpha Wing,
Beta Wing, Raheja Towers,
No.177, Anna Salai,
Chennai - 600 002.
4. The Manager,
Bajaj Finserv,
Unit No.804, 805, 8th Floor,
No.177, Delta Wing,
Raheja Towers, Anna Salai,
Chennai - 600 002.

... Respondents



W.P.NO.13614 OF 2021:-

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second and third respondents to take action against the fourth respondent to follow the due process of law, regarding collection of loan amount, as guided by Reserve Bank of India forthwith by considering petitioner's complaint dated 23.02.2021.

W.P.NO.13852 OF 2021:-

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second respondent to take action against the fourth respondent to follow the due process of law, regarding collection of loan amount, as guided by Reserve Bank of India forthwith by considering petitioner's complaint dated 08.06.2021.

W.P.NO.13865 OF 2021:-

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second and third respondents to take action against the fourth respondent to follow the due process of law, regarding collection of loan amount, as guided by Reserve Bank of India forthwith by considering petitioner's complaint dated 19.06.2021.

W.P.NO.13874 OF 2021:-

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second and third respondents to take action against the fourth respondent to follow the due process of law, regarding collection of loan amount, as guided by Reserve Bank of India forthwith by considering petitioner's complaint dated 08.06.2021.

W.P.NO.13970 OF 2021:-

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second and third respondents to take action against the fourth respondent to follow the due process of law, regarding collection of loan amount, as guided by Reserve Bank of India forthwith by considering petitioner's complaint dated 19.06.2021.

W.P.NO.13984 OF 2021:-

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second and third respondents to take action against the fourth



respondent to follow the due process of law, regarding collection of loan amount, as guided by Reserve Bank of India forthwith by considering petitioner's complaint dated 19.06.2021.

W.P.NO.14188 OF 2021:-

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second respondent to take action against the fourth respondent to follow the due process of law, regarding collection of loan amount, as guided by Reserve Bank of India forthwith by considering petitioner's complaint dated 11.06.2021.

W.P.NO.14412 OF 2021:-

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second and third respondents to take action against the fourth respondent to follow the due process of law, regarding collection of loan amount, as guided by Reserve Bank of India forthwith by considering petitioner's complaint dated 19.06.2021.

W.P.NO.14841 OF 2021:-

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second respondent to take action against the fourth respondent to follow the due process of law, regarding collection of loan amount, as guided by Reserve Bank of India forthwith by considering petitioner's complaint dated 11.06.2021.

W.P.NO.14961 OF 2021:-

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second and third respondents to take action against the fourth respondent to follow the due process of law, regarding collection of loan amount, as guided by Reserve Bank of India forthwith by considering petitioner's complaint dated 17.06.2021.

W.P.NO.14964 OF 2021:-

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second and third respondents to take action against the fourth respondent to follow the due process of law, regarding collection of loan amount, as guided by Reserve Bank of India forthwith by considering petitioner's complaint dated 18.06.2021.



W.P.NO.15086 OF 2021:-

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second respondent to take action against the fourth respondent to follow the due process of law, regarding collection of loan amount, as guided by Reserve Bank of India forthwith by considering petitioner's complaint dated 19.04.2021.

W.P.NO.15157 OF 2021:-

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second and third respondents to take action against the fifth respondent to follow the due process of law, regarding collection of loan amount, as guided by Reserve Bank of India forthwith by considering petitioner's complaint dated 26.06.2021.

W.P.NO.20539 OF 2021:-

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second respondent to take action against the fourth respondent to follow the due process of law, regarding collection of loan amount, as guided by Reserve Bank of India forthwith by considering petitioner's complaint dated 02.09.2021.

W.P.NO.20895 OF 2021:-

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second respondent to take action against the third and fourth respondents to follow the due process of law, regarding collection of loan amount, as guided by Reserve Bank of India forthwith by considering petitioner's complaint dated 19.04.2021.

W.P.NO.21284 OF 2021:-

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to take action against the third respondent to follow the due process of law, regarding collection of loan amount, as guided by Reserve Bank of India forthwith by considering petitioner's complaint dated 07.09.2021.

W.P.NO.21289 OF 2021:-

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second respondent to take action against the fourth respondent



to follow the due process of law, regarding collection of loan amount, as guided by Reserve Bank of India forthwith by considering petitioner's complaint dated 02.09.2021.

W.P.NO.21332 OF 2021:-

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second respondent to take action against the fourth respondent to follow the due process of law, regarding collection of loan amount, as guided by Reserve Bank of India forthwith by considering petitioner's complaint dated 19.08.2021.

W.P.NO.13614 OF 2021

For Petitioner : Mr.M.Govindarajan

For Respondents : Mr.Shivakumar for R4

W.P.NO.13852 OF 2021

For Petitioner : Mr.M.Govindarajan

For Respondents : Mr.Arunachalam
For RR3 & 4

W.P.NO.13865 OF 2021

For Petitioner : Mr.M.Govindarajan

For Respondents : Mr.S.Krishnaa
For RR3 and 4

W.P.NO.13874 OF 2021

For Petitioner : Mr.M.Govindarajan

For Respondents : Mr.M.Arunachalam for R4

W.P.NO.13970 OF 2021

For Petitioner : Mr.M.Govindarajan

For Respondents : Mr.S.Krishnaa
For RR3 & 4



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W.P.NO.13984 OF 2021

For Petitioner : Mr.M.Govindarajan

For Respondents : Mr.Shivakumar for R4

W.P.NO.14188 OF 2021

For Petitioner : Mr.M.Govindarajan

For Respondents : Mr.M.Arunachalam
For RR3 & 4

W.P.NO.14412 OF 2021

For Petitioner : Mr.M.Govindarajan

For Respondents : Mr.R.Sreedhar for R4

W.P.NO.14841 OF 2021

For Petitioner : Mr.M.Govindarajan

For Respondents : Mr.S.Sethuraman
For R4

W.P.NO.14961 OF 2021

For Petitioner : Mr.M.Govindarajan

For Respondents : Mr.M.Arunachalam
For R4

W.P.NO.14964 OF 2021

For Petitioner : Mr.M.Govindarajan

For Respondents : Mr.R.Sreedhar
For R4

W.P.NO.15086 OF 2021

For Petitioner : Mr.M.Govindarajan



W.P.NO.15157 OF 2021

For Petitioner : Mr.M.Govindarajan

W.P.NO.20539 OF 2021

For Petitioner : Mr.M.Govindarajan

W.P.NO.20895 OF 2021

For Petitioner : Mr.M.Govindarajan

W.P.NO.21284 OF 2021

For Petitioner : Mr.M.Govindarajan

W.P.NO.21289 OF 2021

For Petitioner : Mr.M.Govindarajan

W.P.NO.21332 OF 2021

For Petitioner : Mr.M.Govindarajan

COMMON ORDER

In all these writ petitions, the prayer sought for is to issue a Writ of Mandamus directing the second respondent to take action against the banks or financial institutions which have lent money to the respective petitioner, to follow the due process of law, regarding collection of loan amount, as guided by Reserve Bank of India forthwith based on their complaints.

2. The petitioners in these writ petitions have availed credit card/term loan or housing loan facility from the respective bank. According to the petitioners, they have repaid the amount periodically, however, owing to pandemic situation, they could not pay the loan amount. Notwithstanding the adverse financial situation faced by the petitioners, the recovery personnel attached to the lending banks/financial institutions frequently called upon them and demanded the repayment of the entire balance amount by slapping exorbitant interest. Unable to sustain the frequent threats unleashed by the recovery agents



appointed by the lending banks/financial institutions to collect the loan amount, the petitioners have given complaints to the Banking Ombudsman seeking to take appropriate action against the lending banks/financial institutions for the unfair and unreasonable practice adopted in the matter of recovering the loan amount through threat and coercion. According to the petitioners, the complaints given by them have not been considered so far and therefore, they have filed these writ petitions.

3. The learned counsel for the petitioners submit that the Honourable Supreme Court, time and again, held that private banks should not resort to collect the borrowed amount by adopting third degree methods and such a practice has been deprecated. To substantiate such contention, he placed reliance on the order dated 26.02.2007 passed by the Honourable Supreme Court in Appeal (Crl) No. 267 of 2007 in the case of (Manager, ICICI Bank Limited vs. Prakash Kaur and others) wherein it was held that Banks have to be held vicariously liable for such acts of the agents engaged by them and that the recovery of loan or vehicles has to be done only through legal means and Banks cannot employ goondas to take possession by force. In the present case, according to the counsel for the petitioners, the lending banks/financial institutions engaged goondas and hooligans to collect the loan amount from the petitioners without following the due process of law and therefore, the petitioners have been constrained to give a complaint to the Banking Ombudsman. However, no action has been taken on the complaints given by the petitioners, hence, the learned counsel for the petitioners prayed this Court to issue appropriate direction to the lending banks/financial institutions to recover the loan amount only by adopting due process of law.

4. The learned counsel appearing for the respective banks/financial institutions vehemently contend that the banks/financial institutions have not adopted any such unlawful method in collecting the loan amount. The petitioners, having availed the term loan/credit card facility or housing loan have failed to repay the loan amount. The loan amount was directed to be repaid by the bank in a lawful manner and the question of exerting pressure towards the petitioners through third degree method does not arise. The petitioners have availed huge amount and committed default in payment of loan amount. When the petitioners committed default in payment of the loan amount, the lending banks/financial institutions lawfully demanded the repayment of the loan amount. However, the petitioners have raised various allegations as against the lending banks/financial institutions in the matter of collection of the loan



amount. It is vehemently contended by the counsel for the lending banks/financial institutions that the present attempt on the part of the petitioners, in filing these writ petitions, is to throttle the legitimate process initiated by the lending banks/financial institutions to recover the loan amount and therefore, they prayed for dismissal of the writ petitions.

5. Heard the counsel for both sides. The grievance of the petitioners is that the lending banks/financial institutions have resorted to collect the loan amount payable by them without following due process of law and the complaints submitted by them to the Banking Ombudsman have not been acted upon.

6. At the outset, the correctness or otherwise of the grievance expressed by the petitioners that the lending banks/financial institutions have engaged musclemen or goons to collect the loan amount, cannot be examined by this Court in these writ petitions. This is more so that the learned counsel for the respective lending banks/financial institutions denied having engaged goondas or hooligans to collect the loan amount from the petitioners. In fact, the petitioners have given complaints to the Banking Ombudsman narrating their grievance. The Banking Ombudsman has been exclusively constituted under The Banking Ombudsman Scheme, 2006 with the object of resolving complaints relating to certain services rendered by banks and to facilitate the satisfaction or settlement of such complaints. As per Chapter III, Clause 7 (2) of The Banking Ombudsman Scheme 2006, the Banking Ombudsman shall receive and consider complaints relating to the deficiencies in banking or other services. Clause 10 empowers the Banking Ombudsman to call for the records from the bank against whom the complaint is made. When such power is conferred on the Banking Ombudsman and the petitioners also already subjected themselves to the jurisdiction of the Banking Ombudsman with complaints, this Court is of the view that such complaints preferred by the petitioners before the Banking Ombudsman shall be directed to be disposed of in accordance with law.

7. In the light of the above facts, this Court hereby directs the Banking Ombudsman to consider the complaints said to have been given by the petitioners herein on various dates and pass orders thereof on merits and in accordance with law, after affording an opportunity of hearing to the petitioners (complainant) as well as the respective lending banks/financial institutions, within a period of eight weeks from the date of receipt of a copy of this order.



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8. Accordingly, all the writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The General Manager,
The Union of India,
Reserve Bank of India,
Fort Glacis,
Kamarajar Salai,
Chennai - 600 001.
2. The Banking Ombudsman,
C/o. Reserve Bank of India
(Banking Office),
Fort Glacis,
Kamarajar Salai,
Chennai - 600 001.

+1cc to Mr.M.Govindarajan, Advocate, S.R.No.52224
+4ccs to Mr.M.Arunachalam, Advocate, S.R.Nos.51787 to 51790

W.P.Nos.13614, 13852, 13865, 13874, 13970,
13984, 14188, 14412, 14841, 14961, 14964,
15086, 15157, 20539, 20895, 21284,
21289 and 21332 of 2021

MG(CO)
PBS/18/11/2021