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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.19598 of 2021

A.Santhanakrishnan,
S/o. Annamalai

... Petitioner

Versus

1.The Superintendent of Police,
Chengalpattu District,
Chengalpattu.

2.The Inspector of Police
Guduvancheri Police Station,
Chengalpattu Dt.

3.John,
Collection Manager,
Axis Bank Limited,
Kodambakkam Branch,
Chennai Dt.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the 1st and 2nd respondents herein to consider petitioner's complaint dated 27.08.2021.

For Petitioner : Mr.M.Govindarajan

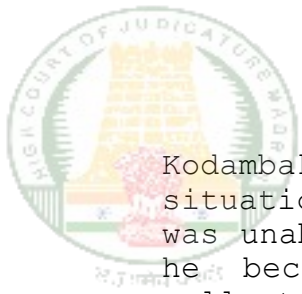
For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

This Writ Petition has been filed seeking a direction directing the 1st and 2nd respondents to consider the petitioner's complaint dated 27.08.2021 and to pass appropriate orders.

2. The contention of the petitioner is that the petitioner, three years back, had availed credit card of Axis Bank,



Kodambakkam Branch and he had used the same. Due to Covid-19 situation and unexpectable financial blockage, the petitioner was unable to make credit card payments. From the month of June, he became defaulter. The rowdy elements in the name of collection agents had approached the petitioner and threatened him. Hence, the petitioner has filed a Writ Petition in W.P.No.14964 of 2021 arraying the General Manager, Reserve Bank of India, Ombudsman, Principal Nodal Officer and the Manager, Axis Bank, Kodambakkam Branch for his highhandedness and the same is pending. Despite the same, some unidentified persons claiming to be collection agents had approached the petitioner seeking collection and the petitioner had informed that he has already filed a Writ Petition in W.P.No. 14964 of 2021. The collection agents unmindful of the representation of the petitioner informed that collection manager John is very connected to the police and nobody can stop him from making his collection. On the very next day, some persons came to the house of the petitioner and taken away all the articles and valuables. Followed it, a phone call in the mobile phone No.979108990 received claiming that it is John and he had reiterated threat. Further, he claims that no writ proceedings can stop him. The petitioner had recorded the conversation and lodged the complaint with the 2nd respondent police on 24.08.2021. So far, no action taken by the 2nd respondent. Hence, to consider the complaint of the petitioner, he filed this Writ Petition .

3. The learned Additional Public Prosecutor appearing for respondents 1 and 2 would submit that the petitioner is a defaulter and he has failed to pay his credit card dues to Axis Bank. Hence, the bank for the purpose of collection of remaining dues and to seek repayment, approached the petitioner. But, the petitioner blowing out of proportion, sending such complaints to avoid payments and also to keep away the bank officials visiting for collecting its dues. The complaint of the petitioner received and the enquiry to be conducted.

4. Heard submissions of both learned counsel appearing for petitioner and respondents 1 and 2 and perused the records.

5. Considering the submissions and on perusal of materials, it is seen that the petitioner is a defaulter and the 3rd respondent bank has taken steps to get back its money. The petitioner has not denied the usage of credit card and his dues to the bank. The 3rd respondent can seek collection of its dues, but to follow the procedure as contemplated. In view of the same, this Court directs the 2nd respondent to conduct enquiry on the petitioner's complaint and to dispose the same in accordance with law.



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6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rpp/rap

To

- 1.The Superintendent of Police,
Chengalpattu District,
Chengalpattu.
- 2.The Inspector of Police
Guduvancheri Police Station,
Chengalpattu Dt.
- 3.The Public Prosecutor,
High Court, Madras.

W.P.No.19598 of 2021

PPA (CO)
PR (12/10/2021)