

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P. No. 22125 of 2021
and
WMP No. 23353 of 2021

V. Gowri

..Petitioner

Versus

1. The Ombudsman
represented by its Grievances Officer
Fort Glacis, 16, Rajaji Road
Fort St. George, Chennai 600 001
2. HDFC Bank Limited
represented by its Branch Manager
East West Centre
No.128, Ground Floor
Nelson Manickam Road
Aminjikarai, Chennai 600 029.
3. S. Muniammal
No.855, Bharathidasan Street,
Murukanchery Village
Aranvoyal Post
Thiruvallur 602 025.
4. V.Pragadeesh,
Staff of HDFC Bank Limited,
East West Centre,
No.128, Ground Floor,
Nelson Manickam Road,
Aminjikarai
Chennai 600 029.

..Respondents

Petition filed under Article 226 of the Constitution of India, seeking for issue a Writ of Mandamus, directing the first respondent to dispose of the petitioner's complaint dated 07.09.2021 in complaint No.202122006013206, within a time frame, by affording due opportunity of hearing.

For Petitioner : Mr.Muralikumaran
for M/s. MCGAN Law Firm

ORDER

The petitioner has filed this writ petition praying to issue a Writ of Mandamus, directing the first respondent to dispose of the petitioner's complaint dated 07.09.2021 in complaint No.202122006013206, within a specified time limit, after affording an opportunity of hearing to her.

2. It is stated that the petitioner is the widow of late Srinivasan, who died intestate on 24.12.2020. It is further stated that after the death of her husband, she has been living with her minor daughter S. Vanshika. Further, her mother in law, the third respondent herein, who is one of the legal heirs of her late husband, accepted to relinquish her 1/3rd share in the property standing in the name of her deceased husband at No.8/5, TNHCB Colony, 1st Floor, near E.B. Office, Maduravoyal, in favour of the petitioner. Therefore, a relinquishment deed was presented for registration, but the Registration Department insisted to obtain 'No Objection Certificate' from the second respondent. Thereafter, the petitioner came to know that the above said property was mortgaged with the second respondent bank. The petitioner therefore requested the Bank through E-mail dated 18.6.2021 to furnish (i) details regarding the status of the loan after the demise of her husband (ii) copy of guidelines governing the Bank's policy (iii) outstanding dues (iv) date from which amount is due for payment and (v) not to declare the loan account as 'Non Performing Asset'. However, the second respondent Bank, without furnishing the details to her, sent notices dated 09.07.2021 and 31.07.2021 to M/s.HSV Green Islands as well as M/s. Srinivasa Medical & Generals, which is the Pharmacy run by her late husband and which was closed after his demise.

3. It is the grievance of the petitioner that though she is ready to regularise the loan or to pre-close the loan account, the respondents without furnishing her the required details, are taking steps to usurp the property for meager price by dispossessing her from the abovesaid property, hence, she preferred an online complaint with the first respondent on 07.09.2021 to take action against the second respondent. Finding no response on the said complaint, she filed the present writ petition for the aforesaid relief.

4. Heard Mr. Muralikumaran, learned counsel appearing for the petitioner and perused the materials available on record.

5. It is stated by the learned counsel for the petitioner

that despite various attempts made by the petitioner for obtaining certain details regarding the mortgage loan availed by her deceased husband, the banking authorities failed to furnish the same. Therefore, the petitioner was constrained to approach the Banking Ombudsmen by filing complaint on 7.9.2021 and the same is still pending consideration. Therefore, the learned counsel prayed for issuing appropriate direction to the first respondent to take up the complaint dated 07.09.2021 of the petitioner and to deal with it on merits.

6. Considering the facts and circumstances of the case and having regard to the submissions made by the counsel for the petitioner, this Court without expressing any opinion as regards the merits of the case, directs the first respondent to take up the complaint of the petitioner dated 7.9.2021, act upon on merits, after providing opportunity to the petitioner and dispose of the same on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ petition stands disposed of. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

msr/rsh

To

The Ombudsman,
represented by its Grievances Officer,
Fort Glacis, 16, Rajaji Road,
Fort St. George,
Chennai 600 001.

W.P. No.22125 of 2021

KV(CO)
RGA(18/11/2021)