



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.25102 OF 2021

Thulasi Krishnamurthy

... Petitioner

Vs.

1. The Authorized Officer,
RBI, OMBUDSMAN (Chennai)
No.16, Rajaji Salai,
Fort Glacis, Chennai 600 001.

2. The Manager,
Sundaram Home Finance Limited,
Sundaram Towers,
No.46, Whites Road,
Chennai 600 014.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 9.3.2021 within a stipulated time.

For Petitioner : Mr.C.Prakasam

For Respondents : No appearance

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the 1st respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 09.03.2021 within a stipulated time.

2. The case of the petitioner is that when the petitioner's wife R.Shanthakumari was alive, she approached the 2nd respondent



and obtained house loan of Rs.5,00,000/- by mortgaging the properties and she repaid Rs.5,000/- as EMI for 185 months and she repaid the monthly instalment regularly to the 2nd respondent. In the meantime, she died on 12.05.2007. During the year 2017, a lumpsum of Rs.50,000/- was repaid by the petitioner and totally repaid Rs.10,67,500/-. After paying the said amount, the petitioner approached the 2nd respondent and made request to return back the original deed along with loan clearance certificate, but the 2nd respondent issued notice, demanding another sum of Rs.4,02,486/- as EMI for 74 months. Aggrieved by the collection of exorbitant interest as against the Prevention of Exorbitant Interest Act, he made written representation to the 1st respondent on 09.03.2021 to conduct enquiry against the 2nd respondent for collecting exorbitant interest against RBI Rules and Regulations. However, till date no order has been passed on the said written representation. Hence the petitioner approached this Court by way of this Writ Petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner had obtained loan from the 2nd respondent and the entire loan amount was repaid, even then, the 2nd respondent has not returned the original deeds and demanding more amount without any authority. Hence this Court may issue direction to the 1st respondent to consider the petitioner's representation within a reasonable time as fixed by this Court.

4. Though the Writ Petition was taken up for hearing on 24.11.2021, till date no notice was served on the 2nd respondent. Based on the available materials, this Court is inclined to dispose of the matter.

5. A perusal of the records reveals that the petitioner sent legal notice through his counsel for return of the original documents on the premises that he had paid the entire amount. However the 2nd respondent, by way of reply letter dated 23.02.2021, stated that at the time of obtaining the loan agreement, it was agreed that the rate of interest was fixed at 8.75% variable rate of interest for 180 months and EMI payable was Rs.4,998/- per month and subsequently as per the revised rate of interest which is 13.70%, the 2nd respondent demanded the petitioner to pay 74 balance EMI's @ Rs.5,439/- per month, for closing the loan account and further it was stated that there were 3 EMI's pending in the loan account of the petitioner. While being so, when there was an order against the petitioner, instead of challenging the said order in the manner known to law before the competent authority, the petitioner giving written representation to take appropriate action against the 2nd respondent, is not sustainable.



6. In view of the reasons aforesaid, this Writ Petition is dismissed and liberty is granted to the petitioner to workout the remedy in accordance with law before the competent forum. No costs.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Authorized Officer,
RBI, OMBUDSMAN (Chennai)
No.16, Rajaji Salai,
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2. The Manager,
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W.P.No.25102 of 2021

KSM(CO)
PM/10/01/2022