



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26888 of 2021

Agish Anandan

... Petitioner

Vs.

1.The Regional Director,
Reserve Bank of India,
Fort Glacis, No.16,
Rajaji Road, Fort St.George,
Chennai 600 001.

2.RBI-OMBUDSMAN,
Reserve Bank of India,
Fort Glacis, No.16,
Rajaji Road, Fort St.George,
Chennai 600 001.

3.The General Manager,
Reserve Bank of India,
Department of Supervision,
Fort Glacis, No.16,
Rajaji Road, Fort St.George,
Chennai 600 001.

4.The Branch Manager,
L&T Financial Services,
28, Ethiraj Salai, Egmore,
Chennai 600 008

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner representation dated 22.11.2021 for initiate action to penalize the 4th respondent for non-observance of the directions and scheme within the time frame fixed by this court.

For Petitioner

: Mr.Ilayarani Ponraj



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the respondents 1 to 3 to consider the petitioner representation dated 22.11.2021.

2. In view of the limited relief sought for in this petition, this petition is taken up for final disposal. Since no adverse order is passed against the respondents, notice to them is not necessary and therefore, notices to the respondents are dispensed with.

3. The case of the petitioner is that he had purchased Honda Dio Two Wheeler vehicle bearing No.TN 09 CS4556 by obtaining loan for a sum of Rs.98,130/- under the loan agreement with the 4th respondent on 17.05.2019. As per the agreement, the petitioner has regularly paying the monthly installments upto the month of July 2021 through ECS online and thereafter due to COVID 19, he has not been in a position to pay the balance two installments. While such being the case, on 14.08.2021, when the petitioner parked his two wheeler in front of Cinema Production Office at Valasaravakkam, Chennai, on his return, it was found that his vehicle was missing and the petitioner immediately lodged complaint before the Inspector of Police, R-9, Valasaravakkam Police Station, Chennai, and it was evidenced by the CCTV camera under the control of the said Police Station, that the petitioner's vehicle was seized by the goondas engaged by the 4th respondent. Thereafter, the petitioner received a mobile message sent by the 4th respondent, to repay the default amount within a period of 7 days. After having received the mobile message from the 4th respondent, the petitioner had sent a representation dated 17.08.2021 to the 4th respondent for return of vehicle. However, the 4th respondent has not come forward to return his vehicle. Under these circumstances the petitioner submitted representation dated 22.11.2021 to the respondents 1 to 3 to initiate action to penalize the 4th respondent for non observance of the directions and scheme as per the Ombudsman Scheme for Non Banking Financial Companies 2018 and the Reserve Bank directions and terms of loan agreement thereof. However the respondents 1 to 3 caused inordinate delay of several days in disposing the representation. Aggrieved by the same, the present petition is filed.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents 1 to 3 to consider the petitioner's representation dated 22.11.2021 and pass orders



on the same within a particular time frame fixed by this Court.

5.The learned Government Advocate has no objection for said order being passed.

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6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 2nd respondent to consider the petitioner's representation dated 22.11.2021 on merits and in accordance with law and pass appropriate orders after affording opportunity to the 4th respondent, within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

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BR(CO)
GN(25/01/2022)