IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.1744 of 2022

C.Saravanan .. Petitioner

Vs

1. The Banking Ombudsman,
   O/o. Reserve Bank of India,
   Rajaji Salai, Chennai - 600 001.

2. M/s.Sundaram Finance (P) Ltd.,
   Rep. By its Senior General Manager,
   No.21, Pattullos Road,
   Chennai - 600 002. ..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the first respondent to take necessary action on the petitioner's complaint No.202122101003046 in accordance with the law, against the 2nd respondent.

For Petitioner : Mr.B.Manimaran

For Respondents: Ms.M.K.Malini Dhurga for R2

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the first respondent to take necessary action on the petitioner's complaint filed against the second respondent, in accordance with law, within a time frame to be fixed by this Court.

2. The petitioner claims that he has not borrowed any money from the second respondent, however in the defaulters list published by CIBIL, his name is reflected as if he has borrowed money from the second respondent and is a defaulter.

3. The second respondent has also filed counter stating that though the name of the borrower and his father's name are

identical to that of the petitioner, the address and other details are totally different. According to him, their borrower - C.Saravanan, is not a defaulter though he has availed financial facilities from the second respondent.

4. The petitioner is aggrieved by the inclusion of his name in the CIBIL defaulters list. The petitioner has given a representation on 19.10.2021 to the first respondent calling upon them to take action against the second respondent for including his name in the CIBIL defaulters list. The petitioner has also contended that only if the second respondent intimates the CIBIL to remove the name of the petitioner from the defaulters list, his name will be removed.

5. Since the petitioner categorically claims that he has not borrowed any money from the second respondent, the matter will have to be investigated by the first respondent based on the petitioner's representation after hearing the petitioner as well as the second respondent. No prejudice will be caused to the respondents if a direction is issued to the first respondent to pass final orders on the petitioner's representation dated 19.10.2021.

6. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representation dated 19.10.2021 requesting the first respondent to take action against the second respondent for placing the petitioner in the CIBIL defaulters list and consequently direct the second respondent to take steps to remove the petitioner's name from the defaulters list and pass final orders on merits and in accordance with law, after affording an opportunity of fair hearing to the petitioner as well as the second respondent, including granting them the right of personal hearing, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above said directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssm

To

The Banking Ombudsman,
O/o. Reserve Bank of India,
Rajaji Salai, Chennai - 600 001.

+1cc to Mr.B.Manimaran, Advocate, S.R.No.44098

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SR(CO)
CT/22/07/2022