



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.1907 of 2022

P.Aravindaraja

... Petitioner

Versus

1. The Ombudsman,
C/o.Reserve Bank of India,
Fort Glacis,
Chennai - 600 001.

2. The Manager,
Bajaj Finserv,
1st Floor, West Ponnagaram Road,
R.S.Puram, Coimbtore - 641002

... Respondent

Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the first respondent to take action against the second respondent to follow the due process of law, regarding collection of loan amount, as guided by the Reserve Bank of India forthwith petitioner's complaint dated 21.12.2021.

For Petitioner : Mr.M.Govindarajan

For 1st Respondent : No appearance

For 2nd Respondent : Tapal returned not ready in notice

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the first respondent to take action against the second respondent for not following the due procedure established under law for recovering the amount from the petitioner based on the petitioner's complaint dated 21.12.2021 submitted to the first respondent within a time frame to be fixed by this Court.



2. The petitioner has availed loan from the second respondent. He admits that he is a defaulter, but the quantum of the amount claimed by the second respondent is being disputed by the petitioner. It is also contended by the petitioner that the second respondent has engaged the services of anti-social elements to recover the dues from the petitioner and that they have not followed the due procedure established under law for recovery of the amount from the petitioner. The petitioner has given a complaint with the first respondent on 21.12.2021 calling upon him to take action against the second respondent for adopting third degree methods to recover the dues from the petitioner. Since his representation has not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr.M.Govindarajan, learned counsel for the petitioner.

4. The respondents have been duly served and their names have also been printed in the cause list today. No one has entered appearance on behalf of the respondents.

5. The main grievance of the petitioner is that the second respondent has used anti-social elements for the purpose of recovering the dues from the petitioner. According to the petitioner, the second respondent has not followed the due procedure established under law for recovery of the dues from the petitioner. In such circumstances, the petitioner has given a complaint before the first respondent to take action against the second respondent.

6. No prejudice would be caused to the respondents if the petitioner's complaint is considered on merits and in accordance with law after affording a fair hearing to the petitioner as well as the second respondent, including granting them the right of personal hearing.

7. Since the petitioner has given a complaint on 21.12.2021, the petitioner is directed to submit a fresh representation with the first respondent along with all the requisite supporting documents.

8. For the foregoing reasons, this Court directs the petitioner to submit a fresh representation with the first respondent seeking action against the second respondent for the alleged use of anti-social elements and third degree methods to recover the dues from the petitioner within a period of one week from the date of receipt of a copy of this order. On receipt of the said representation, the first respondent shall pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and the second respondent



including granting them the right of personal hearing within a period of twelve weeks thereafter.

9. With the above direction, the writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sr

To

The Ombudsman,
C/o.Reserve Bank of India,
Fort Glacis,
Chennai - 600 001.

+1cc to M/S.M.Govindarajan, Advocate, S.R.No.34334

W.P. No.1907 of 2022

SSI (CO)
CT/20/06/2022