



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. Nos. 3112, 3199 & 3240 of 2022

A. Sathish Kumar ...Petitioner in W.P. No.3112 of 2022
A. Zakir Hussain ...Petitioner in W.P. No.3199 of 2022
P. Hema ...Petitioner in W.P. No.3240 of 2022

..Vs..

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

2. The Manager,
IndusInd Bank Limited
G.N. Chetty Road Office,
New No.34, Old No.115 & 116,
G.N. Chetty Road, T. Nagar
Chennai 600 017 ...Respondents W.P. No.3112 of 2022

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

2. The Manager,
Axis Bank Limited,
Old No.38, New No.165,
Plot No.65, Arcot Road,
United India Colony, Kodambakkam
Chennai 600 024. ...Respondents W.P. No.3199 of 2022

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

2. The Manager,
Citi Bank,
P.O. Box No.4830, Anna Salai Post
Chennai 600 002 ...Respondents W.P. No.3240 of 2022

Common Prayer: Writ Petitions filed under Article 226 of Constitution of India, praying to issue a Writ or order or direction or any other orders, in the nature of Writ of Mandamus



directing the 1st respondent to take action against 2nd respondent to follow the due process of law, regarding collection of loan amount, as guided by Reserve Bank of India forthwith petitioner complaint dated 30.11.2021, 20.11.2021 and 19.01.2022 respectively.

For Petitioner

(In all the Writ Petitions): Mr.M. Govindarajan

For R1

(In all the Writ Petitions): No appearance

For R2

In W.P.No.3112 of 2022 : Mr. T. Dhanyakumar

In W.P. No.3199 of 2022 : Mr. R. Sreedhar

In W.P. No.3240 of 2022 : Mr. P. Veeramalai

COMMON ORDER

These Writ Petitions have been filed by the borrowers, who had committed default in the repayment of the loan to the respective second respondents.

2.Their grievance is that, banks are employing anti social elements for recovery of the outstanding dues and they are not following the procedure established under law for recovery of their dues. It is their case that they have given complaints before the first respondent to take action against the respective second respondent/financial institutions. According to them, their complaints have not been considered by the first respondent. In such circumstances, they have filed these Writ Petitions.

3.Since these Writ Petitions involve the very same issue, they are disposed of by a common order.

4.In identical set of facts, this Court in a batch of Writ Petitions in W.P. Nos.13614 of 2021 batch, by its order dated 04.10.2021, disposed of the batch of Writ Petitions by directing the first respondent to consider the complaints received from the borrowers and pass final orders on the said complaints on merits and in accordance with law after affording an opportunity of personal hearing to the complainants within a period of 8 weeks from the date of receipt of a copy of the said order.

5.The complaints referred to in the order dated 04.10.2021, passed by another learned single Judge of this Court in a batch of Writ Petitions namely W.P.No.13614 of 2021 batch, are similar



in nature to the one given by these petitioners. Therefore, this Court is of the considered view that a similar direction can be issued in these Writ Petitions also.

6. Accordingly, the first respondent in all these Writ Petitions is directed to consider the complaints of the respective petitioner under which these petitioners have sought for legal action against the respective second respondent banks/financial institutions for the alleged employment of anti social elements for recovery of the outstanding dues and pass final orders on merits and in accordance with law within a period of 8 weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, these Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Ombudsman,
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4. The Manager,
Citi Bank,
P.O. Box No.4830, Anna Salai Post
Chennai 600 002.

WEB COPY

+1cc to M/s.T.Dhanyakumar, Advocate, S.R.No.35674

W.P.Nos.3112, 3199 & 3240 of 2022

RP (CO)
RGA (27/06/2022)