



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.05.2022

CORAM :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MRS. JUSTICE S. ANANTHI

W.P. No. 12123 of 2022
and
W.M.P.No.11560 of 2022

M. Manjula

.. Petitioner

Versus

1. NBFC Banking Ombudsman,
Reserve Bank of India,
No.16, Rajaji Salai,
Fort Glacis, Chennai,
Tamil Nadu 600 001.
2. Hinduja Housing Finance Limited,
Represented by its authorized officer,
No.89, Ansari Street, Ram Nagar,
Coimbatore 641 009.
3. Hinduja Housing Finance Limited,
Represented by its authorized officer,
No.27A, Developed Industrial Estate,
Guindy, Chennai 600 032.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the 1st respondent to take action against the 2nd respondent on the petitioner's representation dated 21.03.2021 within the period that may be stipulated by this Hon'ble Court.

For Petitioner : Mr. S. Arivazhagan
For Respondents : Mr. V. Bala Subramaniam for RR2 & 3

ORDER

(Order of the Court was made by R. MAHADEVAN, J.)

The writ petition has been filed by the petitioner praying to issue a Writ of Mandamus to direct the 1st respondent to take action against second respondent on the basis of his representation and to pass orders thereon within a time to be specified by this Court.



2. It is the case of the petitioner that her husband mortgaged the property situated at No.11, Chettypalayam Village, Tiruppur Taluk, Tiruppur District, which stood in his name and availed a loan of Rs.11,50,000/- from the respondents 2 and 3. According to the petitioner, at the time of disbursing the loan amount, the second respondent deducted a sum of Rs.50,000/- towards insurance. While so, during the subsistence of the loan, the petitioner's husband died on 30.04.2019. After the death of her husband, an employee of the second respondent approached the petitioner and demanded to remit the balance loan amount in order to avoid taking over the property mortgaged by her husband. Further, the signature of the petitioner and her family were also obtained in several blank papers under threat and coercion. Since the petitioner was not aware of the loan details, she sent a representation dated 21.03.2021 to the first respondent seeking to direct the second respondents to furnish certain documents and to take action against the respondents 2 and 3 for not adhering to banking norms. However, the petitioner did not receive any response to the representation sent by her to the first respondent, hence, the present writ petition is filed.

3. The learned counsel for the petitioner submits that the petitioner is entitled to the information sought for in the representation dated 21.03.2021, however, for the reasons best known, the first respondent did not respond to her representation nor taken any action as against the respondents 2 and 3. Therefore, he seeks for issuing appropriate direction to the first respondent to pass orders on the representation dated 21.03.2021 submitted by the petitioner within a time limit that may be specified by this Court.

4. Mr. V. Bala Subramaniam, learned counsel appearing for the respondents 2 and 3 submits that the representation dated 21.03.2021 was sent by the petitioner to the first respondent-Banking Ombudsman and it was forwarded to the second respondent. Immediately, on 15.04.2021, the third respondent sent a communication to the petitioner, which is enclosed by the petitioner in page No.71 of the typed set of papers, requesting her to produce certain documents relating to the loan, however, the petitioner has not so far responded to the letter dated 15.04.2021. Therefore, the learned counsel prayed that appropriate direction may be issued to the petitioner to submit a fresh representation to the respondents 2 and 3 and on receipt of the same, the claim of the petitioner would be considered and appropriate orders will be passed within a period of four weeks from the date of receipt of such representation.

5. Recording the said submission made by the learned counsel for respondents 2 and 3, this writ petition is disposed of directing the petitioner to submit a fresh representation



along with a copy of this order to the respondents 2 and 3 within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents 2 and 3 are directed to pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter. No costs. Consequently, connected writ miscellaneous petition is also closed.

Sd/-
VACATION OFFICER

//True Copy//

Sub Assistant Registrar

gpa/rsh

To

NBFC Banking Ombudsman,
Reserve Bank of India,
No.16, Rajaji Salai,
Fort Glacis, Chennai,
Tamil Nadu 600 001.

WP No.12123 of 2022

AK(CO)
CT 25/05/2022