



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.28323 of 2021

S.Vijayakumar,

...Petitioner

vs.

1.The Ombudsman,
C/o.Reserve Bank of India,
Fort Glacis, Chennai-600001.

2.The Manager,
America Express Banking Corp,
Regus Citi Centre, 6th Floor,
City Centre Mall,
Dr.Radhakrishnan Salai,
Chennai-60004.

...Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, is issue a Writ of Mandamus, directing the 1st Respondent to take action against the 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 01.10.2021.

For Petitioner : Mr. M. Govindarajan

ORDER

The petitioner has filed this petition seeking issuance of Writ of Mandamus directing the 1st respondent to take action against the 2nd respondent for pursuant to the petitioner's complaint dated 01.10.2021.

2. Since no adverse order is being passed against the 2nd respondent, notice to the 2nd respondent is dispensed with.

3. The case of the petitioner is that the petitioner at the instance of the representative of the 2nd Respondent bank, had availed the loan from the 2nd respondent bank to the tune of Rs.2,98,000/-(Rupees Two Lakh and Ninety Eight Only). At the time of availing the loan, the 2nd Respondent bank officials



have obtained the petitioner's signature in various blank documents without explaining the contents in the loan agreement and even the rate of interest was not specified in the documents, however, oral assurance was given by the 2nd respondent bank officials that no rate of interest will be collected for the loan availed. Thereafter, the petitioner repaid a sum of Rs.2,06,834/- to the 2nd respondent towards the loan availed. Due to COVID pandemic, the petitioner faced heavy financial crisis due to which he was unable to repay the loan availed. Now, the 2nd respondent bank is insisting the petitioner to settle the arrears to the tune of Rs.1,86,971/- towards the interest for the loan availed. Therefore, the petitioner made a complaint to the 1st respondent/Ombudsman on 1.10.2021 for taking action on the 2nd respondent bank. However, no action has been taken on the same. Hence, the present Writ Petition is filed.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the 1st respondent to take appropriate action against the 2nd respondent pursuant to the petitioner's complaint dated 01.10.2021 within the time frame fixed by this Court.

5. In view of the aforesaid submission, this Court without expressing any opinion on the merits of the case directs the 2nd Respondent to recover the loan amount from the petitioner in terms of the RBI guidelines. However, the liberty is granted to the petitioner to work out his remedy before the competent forum in accordance with law if the 2nd respondent breaches the guidelines issued by the RBI in collecting the loan amount from the petitioner.

6. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

NHS

To

1.The Ombudsman,
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Fort Glacis, Chennai-600001.



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VGII (CO)
PR (21/01/2022)