



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.27580 of 2021

A. Zakir Husain

...Petitioner

Vs

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

2.The Manager,
Axis Bank Limited,
Old.No.38, New No.165,
Plot No.65, Aroct Road,
United India Colony,
Chennai-699 024.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a 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 the petitioner's complaint dated 20.11.2021.

For petitioner : Mr. M. Govindarajan

ORDER

The present petition has been filed seeking issuance of a Writ of Mandamus directing the 1st respondent to take appropriate action against the 2nd respondent herein pursuant to the petitioner's complaint dated 20.11.2021.

2. The case of the petitioner is that the petitioner had availed the loan from the 2nd respondent/bank herein to the tune of Rs.8,87,950/- and Rs.6,85,510/- vide separate loan agreements, at the instance of the representative of the bank, at which time, the bank officials had obtained the signature of the petitioner in various blank documents without explaining the



contents of the documents wherein the rate of interest towards the loan was also not specified. However, the petitioner was orally assured by the bank, that the interest towards the loan will be calculated on the basis of the nationalized bank's diminishing rate of interest. After obtaining the loan, the petitioner had repaid a sum of Rs.11,72,144/- to the 2nd respondent. Thereafter, due to COVID pandemic situation, the petitioner was unable to pay the monthly instalments. Thereafter, the bank demanded a sum of Rs.7,65,572/- from the petitioner, towards the arrears of the loan. When the petitioner sought for the due particulars of the said arrears from the bank, the same was not provided to the petitioner. Therefore, the petitioner made a complaint dated 20.11.2021 to the 1st respondent herein. However, till date no action has been taken on the same. Hence, the present Writ Petition is filed seeking the above relief.

3. Though very many grounds have been raised, the learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 1st respondent to consider the petitioner's complaint dated 20.11.2021 and pass appropriate orders on the same within a particular time frame fixed by this Court.

4. Upon hearing the learned counsel for the petitioner, this Court without going into the merits of the case, directs the 1st respondent to consider the petitioners' complaint dated 20.11.2021 and pass appropriate orders on the same in accordance with law, after affording the opportunity of personal hearing to the 2nd respondent within a period of twelve weeks from the date of receipt of a copy of this order.

5. This petition is disposed of accordingly with the aforesaid direction. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

NHS

To

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



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RSI (CO)
PR (28/01/2022)