BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1092 of 2022
and
W.M.P.(MD)No.908 of 2022

R.Ellappan ... Petitioner

Vs

1.The Regional Director,
Reserve Bank of India,
Fort Glacis, No.16, Rajaji Salai,
Chennai-600 001.

2.The Banking Ombudsman,
Reserve Bank of India,
Fort Glacis No.16, Rajaji Salai,
Chennai 600 001.

3.The Branch Manager,
Lakshmi Villas Bank,
Theni Branch,
45-A, Kalaiamman Koil Street,
First Floor, Periyakulam Road,
Theni District.

4.The Sub-Registrar Joint-I,
Periyakulam Taluk,
Theni District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct 1st and 2nd respondents to take action against 3rd respondent to close my Vehicle loan account No. 0747745000000655 and Agriculture loan account No. 0747627000000041 and return my original documents and consequently direct the 4th respondent to cancel entries made in the registration records.

For Petitioner	: Mr.S.M.S.Johny Basha
For R1 & R2	: no appearance
For R4	: Mr.K.Balasubramani Special Government Pleader
For R3	: Mr.S.I.Muthiah

ORDER

Heard the learned counsel on either side.

2. The petitioner's case is that the petition mentioned accounts have been closed and dues have been cleared and that the respondent bank should be directed to return the petitioner's original document.

3. The third respondent bank had filed a counter affidavit controverting the assertions made by the writ petitioner. According to the Bank, the petitioner is the guarantor of as many as 11 loan transactions. The third respondent would

deny that the loan transaction have been closed. It appears that according to the bank, in respect of few transactions, the bank manager had made fraudulent entries and that disciplinary action has been taken against him. Before me, s factual dispute has arisen.

4. The petitioner would claim that all the 11 accounts have been closed and that the payments have been made. The bank would claim that that is not the case.

5. In writ proceedings, these issues cannot be gone into. The petitioner will have seek his remedies elsewhere. It is seen that the petitioner had earlier moved the banking ombudsman. The banking ombudsman without going into the factual aspects had mechanically shown the door to the writ petitioner. It is stated that the Reserve Bank of India had modified the banking ombudsman scheme allowing the bank customers to file appeal against the ombudsman's decision. It is also stated that the appellate authority under the scheme is the designated Deputy Governor of RBI. If such an appellate authority has been created, it is open to the writ petitioner to move the said authority. If an appeal is filed before the designated appellate authority within 30 days from the date of receipt of a copy of this order, the same shall be entertained without reference to limitation and disposed of on merits and in accordance with law.

G.R.SWAMINATHAN, J.

rmi

6. Leaving open the petitioner's rights and remedies, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed

17.08.2022

Index : Yes / No
Internet : Yes/ No
rmi

To

The Sub-Registrar Joint-I,
Periyakulam Taluk,
Theni District.

W.P.(MD)No.1092 of 2022

17.08.2022