



W.P.No.2696 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.2696 of 2022

and

W.M.P.No.11698 of 2023

M.Isaivanan

... Petitioner

Vs.

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

2.The Chief Manager,
ICICI Bank Limited,
ICICI Bank Tower,
Near Chakili Circle,
Old Padra Road,
Vadodara,
Gujarat – 390 007.

3.The Manager,
ICICI Bank-Home Loan,
ECR Road, Kottupalayam,
Puducherry – 605 008.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to consider and take appropriate action on the representation dated 13.12.2021 submitted by the petitioner for revising the Equatted Monthly Installment (EMI) amount from Rs.38,425/- to below Rs.25,000/- and reschedule the loan period from 72 months to 120 months for Housing/Home loan of Rs.21,64,322/- (Rupees Twenty One Lakhs Sixty Four Thousand Three Hundred Twenty Two only) availed by the petitioner from the third respondent's Bank under Application No.7727935236.

For Petitioner : Mr.Prakash Adiapadam

For Respondents : Mr.S.Vasudevan [R2 & R3]

ORDER

The Writ Petition has been filed seeking for a Writ of Mandamus, to direct the first respondent to consider and take appropriate action on the representation dated 13.12.2021 submitted by the petitioner for revising the Equatted Monthly Installment (EMI) amount from Rs.38,425/- to below Rs.25,000/- and reschedule the loan period from 72 months to 120 months for Housing/Home loan of Rs.21,64,322/- (Rupees Twenty One Lakhs Sixty Four Thousand Three Hundred and Twenty



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Two only) availed by the petitioner from the third respondent's Bank under Application No.7727935236.

2. Though the petitioner filed W.M.P.No.11698 of 2023 seeking to fix an early date for hearing of the present writ petition, he is consented for the disposal of the main writ petition itself.

3. The case of the petitioner is that the petitioner has availed home loan of Rs.21,64,322/- (Rupees Twenty One Lakhs Sixty Four Thousand Three Hundred Twenty Two only) from the third respondent-Bank for purchasing a flat. Thereafter, on account of the financial difficulties faced by him, he requested the third respondent to reschedule the loan and to revise the EMI. Since there has been no response from the third respondent, he has sent a detailed complaint to the first respondent through e-mail on 13.12.2021. However, the same was also not considered by the first respondent, hence, the petitioner filed the above Writ Petition before this Court.



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4. Though very many grounds have been raised in the above writ petition, the learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to the first respondent to consider the petitioner's representation dated 13.12.2021 and pass appropriate orders, within a time frame that may be stipulated by this Court.

5. The learned counsel appearing for the respondents 2 and 3 submits that, if the petitioner makes an application before the respondents 2 and 3, the same will be considered and appropriate orders will be passed, within a time frame that may be fixed by this Court.

6. In view of the aforesaid submission, this Court, without going into the merits of the case, directs the petitioner to make appropriate application before the respondents 2 and 3 within a period of one week from the date of receipt of a copy of this order and if such application is filed, the respondents 2 and 3 are directed to consider the same and pass appropriate orders, on merits and in accordance with law, within a period of four weeks thereafter.



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7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

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M.DHANDAPANI, J.

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