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W.P. No.7413 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2023

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P. No.7413 of 2023

M.Yuvaraj

.....Petitioner

VS.

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

2. The Manager,
HDFC Bank Limited,
No.759, ITC Centre,
Anna Salai, Chennai-2.

.. Respondents

PRAYER :Writ Petition filed under Article 226 of the Constitution of India, to issue an order or direction or Writ and in particular Writ in the nature of a Writ of Mandamus directing the first respondent to take action against the second respondent to follow the due process of law, regarding collection of loan amount, as guided by Reserve Bank of India forthwith petitioner complaint dated 01.02.2023.

For Petitioner

: Mr. T.R.Nagendiran

For Respondents

: Mr.Sharmila Devi, R2



W.P. No.7413 of 2023

WEB COPY

ORDER

The petitioner has filed this petition seeking a direction to the first respondent to take action against the second respondent to follow the due process of law, regarding collection of loan amount, as guided by Reserve Bank of India forthwith petitioner complaint dated 01.02.2023.

2. The case of the petitioner is that he obtained a loan for a sum of Rs.5,00,000/- during the year 2021. Due to some unexpected medical expenses, the petitioner was unable to pay monthly installments. Due to which, the second respondent threatened the petitioner and directed him to pay a sum of Rs.3,96,115/- under wrong calculation. Therefore, the petitioner made a complaint dated 01.02.2023 before the first respondent to take action against the second respondent. Till date, no action is taken. Hence, the present writ petition.

3. The learned counsel for the petitioner submitted that this Court may issue a direction to the first respondent to enquire the petitioner's complaint and to take action against the second respondent within the



W.P. No.7413 of 2023

stipulated time as fixed by this Court.

WEB COPY

4. The learned counsel for the second respondent submitted that the petitioner borrowed a sum of Rs.5 lakhs from the second respondent Bank and he is a defaulter. Therefore, the second respondent will recover the amount after following due process of law.

5. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing on behalf of the second respondent and perused the materials available on record.

6. In such view of the matter, this Court is of the view that a positive direction cannot be given to the petitioner as he is a defaulter. Therefore, this Court directs the second respondent to recover the loan amount from the petitioner as per the contractual terms.



W.P. No.7413 of 2023

7. With the above directions, the writ petition is disposed of. No

costs.

23.03.2023

rli

Index : Yes / No

Internet : Yes / No

Rli

To

1. The Ombudsman
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2. The Manager,
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WEB COPY



W.P. No.7413 of 2023

M.DHANDAPANI, J.

Rli

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