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W.P. No.17198 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.17198 of 2023

C.Subramani

... Petitioner

Vs.

1. The Ombudsman,
Dr.(Smt) Tuli Roy,
Reserve Bank of India,
Fort Glacis, Chennai - 600 001.

2. ICICI Bank Ltd.,
Rep. by Manager,
Tirunelveli Branch,
Tirunelveli - 627 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to issue direction to the 2nd respondent "No Due Certificate" in Loan No.LVTVI00038891823, lorry bearing Reg.No.TN72 BM 5456 to the petitioner.

For Petitioner : Mr.M.Manohar

ORDER

This writ petition is filed seeking for issuance of a writ of mandamus to direct 1st respondent to issue direction to the 2nd respondent to issue "No Due Certificate" in Loan No.LVTVI00038891823, lorry bearing Reg.No.TN72 BM 5456 in favour of the petitioner.



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2. The case of the petitioner is that one Pechimuthu purchased a lorry bearing No.TN 72 BM 5456. Thereafter, the said Pechimuthu mortgaged the said vehicle with ICICI Bank Ltd., Tirunelveli Branch for a sum of Rs.14,15,900.60/- and was continuously paying the loan amount without any default. However, due to financial situation, the said Pechimuthu offered the petitioner to purchase the aforesaid vehicle after paying the remaining loan dues to the aforesaid Bank. The petitioner purchased the said vehicle from Pechimuthu on 19.02.2021, after paying the entire loan amount of Rs.8,00,000/- vide Cheque dated 21.08.2021 in favour of ICICI Bank, Ltd, Tirunelveli Branch and requested the said bank to issue No Due Certificate to the petitioner, which remained unanswered. Hence, the petitioner has made a representation dated 14.01.2023, to the first respondent / Ombudsman to issue direction to the second respondent to issue No Due Certificate for the aforesaid vehicle in favour of the petitioner. Since no response was forthcoming, the present writ petition has been filed.

3. Though very many grounds have been raised in the above writ petition, 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 14.01.2023 and pass appropriate orders within the time frame that may be fixed by this Court.



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4. Considering the facts and circumstances of the case, this Court without going into the merits of the case directs the first respondent to consider the petitioner's representation dated 14.01.2023 and pass appropriate orders on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as aggrieved persons if any within a period of twelve four (4) weeks from the date of receipt of a copy of this order.

5. Accordingly, this writ petition is disposed of. No costs.

09.06.2023

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Index : Yes / No
Speaking order : Yes / No
NCC : Yes/No

To

The Ombudsman,
Dr.(Smt) Tuli Roy,
Reserve Bank of India,
Fort Glacis, Chennai - 600 001.



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M.DHANDAPANI, J.

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