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W.P.No.22388 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.22388 of 2023

and

W.M.P.No.5191 of 2024

A.Ganesh

... Petitioner

Vs.

1.The Banking Ombudsman,
Reserve Bank of India,
Fort St. Glacis,
Chennai – 600 001.

2.The Axis Bank,
Loan Centre,
Rep by its Branch Manager,
Door No.17 & 19, CLARET Complex,
Duraismy Reddy Street,
West Tambaram,
Chennai – 600 045.

3.B.Nalini

... 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 initiate actions against the Respondent 2 and 3 based upon the petitioner's representation dated 05.07.2023.



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For Petitioner : Mr.A.Manojkumar
For Respondents : Mr.T.Poornam [R1]
Mr.Uma Vijayan [R2]
Mr.V.Sakthivel [R3]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the 1st respondent to initiate actions against the respondents 2 and 3 based upon the petitioner's representation dated 05.07.2023.

2. Though the petitioner filed W.M.P.No.5191 of 2024 seeking to fix an early date for hearing of the present writ petition, he has consented for the disposal of the main writ petition itself.

3. The case of the petitioner is that, he is in cutlery business for the past seven years in the name and style of M/s.Jayam Catering Equipments situated at Mint Street, Chennai and had availed several loans through online and physical mode and regularly, repaying the same without any bouncing or default. Due to the reason of financial crisis



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occured during COVID-19 pandemic situation, he was unable to get along with his business and with a fond hope, he was restrained to close his business and his GST registration bearing No.GSTIN/UIN:33BOEPG4546L1ZW has been applied for cancellation and the same was cancelled on 26.10.2022 with reference No.ZA331022292560Z with effect from 31.08.2022. Thereafter, when the petitioner attempted to avail housing loan based upon his profile for a tune of Rs.50,00,000/-, the same was rejected by the Bank/finance corporation due to the reason that his CIBIL score was not satisfactory to their norms. On verification, it is found that the reason for rejecting his application is that there was an entry in his profile that he had applied as a joint applicant in the housing loan obtained by the 3rd respondent during the year 2015 with a margin loan of Rs.10,67,000/- with a repayment EMI amount of about Rs.11,000/-, however the 3rd respondent not paid the loan, thereby the petitioner CIBIL score was modified. Hence, the petitioner has made a representation dated 05.07.2023 on 06.07.2023 to the respondents through post and the same has been duly served to them on 07.07.2023. Since there was no response, the petitioner has filed the present writ petition for appropriate orders.



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4. Learned counsel appearing for the petitioner submits that the petitioner never stood as a joint applicant for anybody more particularly, the 3rd respondent herein and there is a fraud or forgery committed on the part of the bank as well as the 3rd respondent in availing the housing loan and to facilitate their need of money, they utilized the petitioner's profile for their loan, which is a clear case of cheating, fraud and forgery and due to their illegal act, now the petitioner was not in a position to obtain a housing loan for his own purpose. Accordingly, he prays for appropriate orders.

5. Learned counsel appearing for the 2nd respondent submitted that an error has been committed by the 2nd respondent in respect of the cibil score of the petitioner in the website and the same has been rectified by the 2nd respondent in month of January, 2024. Hence, if the petitioner downloads his cibil score from the website now, the petitioner's correct cibil score will be displayed in the website.

6. Learned counsel for the 3rd respondent submitted that the



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petitioner never stood as a joint applicant for the 3rd respondent, however, inadvertently, the 2nd respondent has displayed the wrong cibil score of the petitioner. Accordingly, he prays for appropriate orders.

7. In view of the submissions made by the respective learned counsel for the 2nd respondent and 3rd respondent, this court is of the view that nothing survives for adjudication in this writ petition. Accordingly, the writ petition is closed. No costs.

22.08.2024

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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