



WEB COPY



W.P.No.30273 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30273 of 2024

E.Kandan

... Petitioner

Vs.

- 1.M/s.National Housing Bank
Complaint Redressal Cell,
Department of Regulation and Supervision,
National Housing Bank,
4th Floor, Core 5A,
India Habitat Centre,
Lodhi Road
New Delhi – 110 003.
- 2.The Ombudsman
(Department of Non-Banking Supervision)
Reserve Bank of India,
Fort Glacis,
Chennai – 600 001.
- 3.The Nodal Officer
Primal Capital and Housing Finance Limited
(Primal Finance), No.601, 6th Floor,
Amiti Building,
Agastya Corporate Park
Kamani Junction,
LBS Marg, Kurla (W),
Mumbai – 400 070,
Maharashtra.



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4.The Branch Manager

Previously, M/s.Dewan Housing Finance Corporation Limited,
Now known as, M/s.Primal Capital and Housing Finance Limited,
Old No.24, New No.36,
Dr.Ambedkar Road, 3rd Floor,
Kalpalathika Towers,
Ashoknagar,
Kodambakkam,
Chennai – 600 024.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to take necessary actions against the fourth respondent to furnish loan details as per guidelines, thereby follow due process of law, regarding loan transactions in the light of judgment rendered by our Honourable Apex Court in M/s.The Manager, ICICI Bank Limited Vs Prakash Kaur in Crl.A.No.267 of 2007 dated 26.02.2007 forthwith petitioner complaint dated 26.07.2024.

For Petitioner : Mr.T.Padmanabhan

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 and 2 to take necessary actions against the fourth respondent to furnish loan details as per guidelines, thereby follow due process of law, regarding loan transactions in the light of judgment rendered by our Honourable Apex Court in M/s.The Manager, ICICI Bank Limited Vs Prakash Kaur in



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Crl.A.No.267 of 2007 dated 26.02.2007 forthwith petitioner complaint dated 26.07.2024.

2.The case of the petitioner is that the petitioner made complaint dated 26.07.2024 to the respondents 1 to 3 as against the fourth respondent, however, the third respondent without taking note of the crux of the petitioner's complaint simply sent reply dated 07.08.2024 to the petitioner. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that it would suffice if this Court grants liberty to the petitioner to file appeal against the reply given by the third respondent dated 07.08.2024 before the Banking Ombudsman and issues direction to the Banking Ombudsman to consider the same and pass appropriate orders, within a reasonable time frame.

4.Considering the limited request now made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, grants liberty to the petitioner to file appeal against the reply given by the third respondent dated 07.08.2024 before the Banking Ombudsman in the manner known to



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law, within a period of four weeks from the date of receipt of a copy of this order. If any such appeal is filed by the petitioner, the Banking Ombudsman shall consider the same, on merits and in accordance with law and pass appropriate orders, within a period of eight weeks thereafter.

5.This writ petition is accordingly disposed of. No costs.

15.10.2024

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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M.DHANDAPANI,J.
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