IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33360 of 2025

K.Gopinath ... Petitioner

Vs

1.The General Manager
Reserve Bank of India,
Department of Consumer Education and Protection
Fort Glacis, Rajaji Salai,
Chennai-600001.

2.The Branch Manager,
IDFC First Bank Ltd,
Personal Loan Department,
No.17, 2nd Floor, Kandaswarna
Bhirmaratha arcade, Brindavan road, fairlad,
Salem-636016. ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondent to refrain from initiating any aggressive recovery measures or causing harassment to the petitioner in the name of loan collection.

For Petitioners : Mr.M.Balaji

ORDER

This Writ Petition has been filed to refrain the 2nd respondent bank from taking any aggressive recovery measures as against the petitioner under the guise of collecting the loan amount.

2. It is the case of the petitioner that he had availed a loan from the 2nd respondent bank to the tune of Rs.4,79,138/-. However, due to the financial losses incurred by the petitioner during the course of his business, he was unable to repay the said loan amount as a result of which, the 2nd respondent bank is taking aggressive steps as against the petitioner to recover the loan availed by the petitioner. Aggrieved by which, the petitioner made a representation to the 1st respondent herein requesting to take necessary action as against the 2nd respondent bank for adopting aggressive recovery measures in collecting the loan amount from the petitioner. However, no action has been taken on the said representation so fact. Hence, the present Writ Petition.

3. The learned counsel for the petitioner submitted that the procedure adopted by the 2nd respondent in collecting the loan amount is in violation of the guidelines prescribed by the RBI and therefore, this Court may issue a direction the 2nd respondent not to harass the petitioner under the guise of recovering the loan amount.

4. Even according to the petitioner, he has availed loan for a sum of

Rs.Rs.4,79,138/- from the 2nd respondent bank and he has committed default in repayment of the same due to unexpected loss in his business. The grievance of the petitioner is that the 2nd respondent bank in the process of recovering the loan advanced to him are taking recourse to coercive ;measures in violation of the guidelines prescribed by the 1st respondent.

5. Having heard the learned counsel for the petitioner, this Court is of the view that the petitioner cannot invoke an extraordinary jurisdiction of this Court under Article 226 of the Constitution of India seeking the aforesaid relief. The proper course open for the petitioner is to approach the Ombudsman seeking redressal of his grievance. On this short and solitary ground itself, this Writ Petition is liable to be dismissed

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

03.09.2025

Index:Yes/No
Internet:Yes
Speaking/Non-Speaking order

Nhs

M.DHANDAPANI, J.

Nhs

To

The General Manager
Reserve Bank of India,
Department of Consumer Education and Protection
Fort Glacis, Rajaji Salai,
Chennai-600001.

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