



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. (MD) No.12560 of 2015

V. Masilamani

... Petitioner

Vs.

The Branch Manager,
Canara Bank,
Vilampatti Branch,
Nilakottai Taluk,
Dindigul District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent herein to release the second installment of educational loan in favour of the petitioner to pursue his second year B.E Degree (Aeronautical Engineering) - four years Course at Paavaai Group of Institutions, R. Puliampatti Puduchathiram, Namakkal District without insisting the signature of guarantor / father of petitioner on the basis of the representation dated 26.06.2015 given by the petitioner.

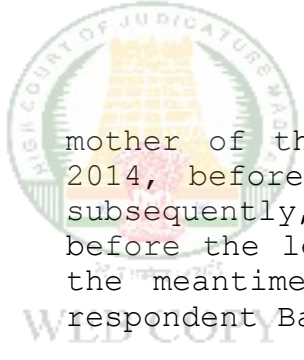
For Petitioner ... Mr. J. Lawrance

For Respondent ... Mr.C. Jawahar Ravindran

ORDER

The writ petition has been filed praying for issuance of a Writ of Mandamus directing the respondent herein to release the second installment of educational loan in favour of the petitioner, to pursue his second year B.E Degree Course (Aeronautical Engineering - 4 years Course) at Paavai Group of Institutions, R. Puliampatti Puduchathiram, Namakkal District, without insisting on the signature of guarantor / father of petitioner, on the basis of the representation, dated 26.06.2015, given by the petitioner.

2. It is averred in the affidavit that the petitioner has passed 12th Standard in the year 2014. Thereafter, the petitioner approached the Paavaai Group of Institutions situated at R.Pulaimpatti, Namakkal District to do his B.E., in Aeronautical Engineering Course (4 Years). For studying the said course, the petitioner required more money and therefore, he approached the respondent Bank to sanction the educational loan and on his request, the respondent Bank released the first year fees and the same was deposited with the college authorities. At the time of availing loan, the father of the petitioner was working as a Junior Assistant in the respondent Bank and he stood as a guarantor to the said loan. Due to difference of opinion that arose between the father and



mother of the petitioner, the petitioner's father filed HMOP.No.120 of 2014, before the Sub Court, Kuzhithalai, Karur District for divorce and subsequently, the petitioner's mother filed a petition for maintenance, before the learned Judicial Magistrate, Nilakottai, Dindigul District. In the meantime, the father of the petitioner was also transferred from respondent Bank Branch to Karur.

3. Now, the petitioner has approached the respondent Bank for sanction of second year fees, but, the respondent Bank refused to release the second installment of loan by insisting on him to get his father's signature on the loan application. Due to difference of opinion between the parents of the petitioner, the father of the petitioner refused to sign on the loan application form. Hence, the petitioner is facing financial problem and mental agony leading to disruption of his continuation of his B.E. Degree. In such circumstances, the petitioner has filed the present Writ Petition for the relief stated supra.

4. When the matter was taken up for hearing the learned counsel appearing for the Bank submitted that if the petitioner's mother stands as a guarantor, the respondent Bank will consider the sanctioning of loan amount for the second year B.E. Degree Course.

5. The learned counsel for the petitioner submitted that the petitioner's mother is ready to stand as a guarantor.

6. Heard the submissions made on either side and carefully perused the materials available on record.

7. Considering the submissions made on either side, without going into the merits of the averments made in the writ petition, this Court is constrained to pass the following order:

The petitioner is directed to approach the respondent Bank along with his mother and execute the necessary documents, within a period of two weeks from the date of receipt of a copy of this order, for availing of second year loan. On receipt of the necessary documents, the respondent Bank is directed to consider the representation of the petitioner dated 26.06.2015 and pass appropriate orders, after affording an opportunity of hearing to the necessary parties, on merits and in accordance with law, within a period of two weeks thereafter.

8. The writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

The Branch Manager,
Canara Bank,
Vilampatti Branch,
Nilakottai Taluk,
Dindigul District.

+1cc to M/S. J.Lawrance, Advocate in SR.No. 63797

+1cc to M/s.C. Jawahar Ravindran Advocate in SR.No.64217

TS/02.11.2015/3P-4C / AAL-MPA/SAR - I

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