



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.(MD)No.15307 of 2014

and M.P.(MD) No.1 of 2014

... Petitioner

Vs.

G.George

1.The Branch Manager,
State Bank of Travancore,
HAPP,
HAPP Market Centre,
HAPP Township,
Tiruchirappalli 620 025.

2.The Assistant General Manager,
Region - IV,
State Bank of Travancore,
Region IV,
Regional Office,
No.260, V.V.Complex,
New Siddha Pudur,
Coimbatore.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of mandamus directing the respondents to disburse the total amount withheld by the first respondent towards the educational loan No.67004220301 in respect of the petitioner's Account NO.5703344432 in the first respondent bank and pass such further order or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner :Mr.V.R.Venkatesan

For Respondents :Mr.Palaramasamy

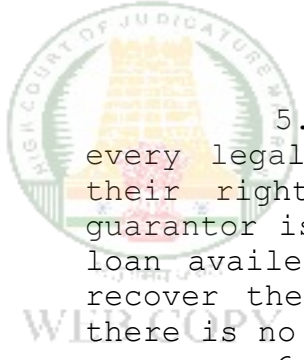
O R D E R

In this writ petition the petitioner is seeking for issuance of a Writ of mandamus directing the respondents to disburse the total amount withheld by the first respondent towards the educational loan No.67004220301 in respect of the petitioner's Account NO.5703344432 in the first respondent bank.

2. Heard the learned Counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. The only grievance of the petitioner is that even though he is a guarantor, his retirement benefits could not be disbursed due to default in repaying the educational loan of his daughter.

4. The learned counsel for the respondent stated that the loan was obtained 10 years ago and the daughter is married and she is employed and she is well settled and therefore as a guarantor the petitioner is bound to repay the loan amount lying in another branch in the account of the petitioner.



5. The respondent bank has disbursed the amount and they have every legal right to collect the amount. Therefore, they have invoked their right of lien. There is no dispute that the petitioner as a guarantor is bound to repay the amount after all he is the father and the loan availed is accepted. In the exercise of lien by the respondent to recover the loan amount the proposed action of bank is correct. Hence, there is no merits in the case.

6. This writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub- Assistant Registrar

TO

1. The Branch Manager, State Bank of Travancore, HAPP, HAPP Market Centre, HAPP Township, Tiruchirappalli 620 025.

2. The Assistant General Manager, Region - IV, State Bank of Travancore, Region IV, Regional Office, No.260, V.V.Complex, New Siddha Pudur, Coimbatore.

+1cc to Mr.V.R.Venkatesan, Advocate in SR.No.10668

Sm:25.03.2015:2P/4C:

W.P. (MD) No.15307 of 2014
04.03.2015