

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 11962 of 2012

ORDER:

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Heard learned counsel for the petitioner and learned counsel appearing for respondent No.1. With the consent of both the parties, the main writ petition is heard at the admission stage itself.

The present writ petition is filed seeking issuance of writ of mandamus declaring the action of respondent No.1 in not responding to the request of the petitioner made to impound the passport of respondent No.2 bearing No. AEWPP0427L as illegal, arbitrary and un-lawful; and consequently direct respondent No.1 to impound the passport of respondent No.2 as she has committed default in payment of loan amount of Rs.6,25,330/-.

The petitioner is a Nationalised Bank carrying on the business of banking. In order to pursue her education at Fairleigh Dickinson University, Metropolitan Campus, New Jersey, respondent No.2 along with respondent No.3 approached the petitioner bank and made an application dated 11.01.2008 seeking education loan. After scrutinizing the paper, the petitioner bank sanctioned and disbursed the entire education loan of Rs.4,00,000/- on 12.01.2008 vide loan account No. 758374338. It is stated that the said loan was granted on a condition that the same shall be repaid in 60 monthly equal instalments. It is stated that respondent Nos.2 and 3 failed to repay the loan amount and as such an amount of Rs.6,25,330/- was due as on the date of filing of the writ petition. It is also stated in the affidavit that the petitioner Bank has already filed O.S.No.2368 of 2011 on the file of the II Additional Senior Civil Judge, Ranga Reddy District and summons were also issued to respondent Nos.2 and 3. It is averred that in spite of sending several notices to the address given

at the time of taking loan, there is no response from respondent Nos.2 and 3. Hence, the petitioner bank filed the present writ petition to impound the passport of respondent No.2.

Though various grounds are raised in the writ petition, the counsel for the petitioner restricts his prayer seeking a direction to respondent No.1 to dispose of the representation dated 11.02.2012 which was made to him seeking impounding of the passport at the earliest.

The learned counsel for respondent No.1 would submit that a direction may be given to respondent No.1 to pass appropriate orders in accordance with law, if the said representation is still pending.

Without going into the merits of the case and having regard to the circumstances stated above, the present writ petition is disposed of directing respondent No.1 to pass orders on the representation dated 11.02.2012 made by the petitioner Bank, in accordance with law, within a period of eight (08) weeks from the date of receipt of a copy of this order, if the same is still pending. No order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

13.10.2015
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