

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 7991 OF 2015

ORDER:

The petitioner herein is employed with the Indian Railways. Complaining that the 1st respondent Syndicate Bank, a public-sector bank is deducting an amount of Rs.4,800/- from his savings bank account maintaining with the said bank, every month, the present Writ Petition is filed.

It is the case of the petitioner that one other employee of the Indian Railways, by name Sri B. Ashok has borrowed a sum of Rs. 2 lacs from the Syndicate Bank. The petitioner being a colleague of Sri Ashok stood as guarantor for due performance of the obligations by the borrower. It appears, Sri Ashok died some time during August 2013 and consequently, the 1st respondent Syndicate Bank started recovering a sum of Rs.4,800/- from the petitioner's bank account every month without there being any authorization from him. It is also the case of the petitioner that he never executed any document permitting the bank to recover the money from him in case the principal borrower does not repay the same. This apart, the learned counsel for the petitioner would submit that the petitioner is maintaining a savings bank account with the Syndicate Bank. Therefore, the monies deposited into the said account cannot be withdrawn by the Bank without his authorization.

All these questions raised in this Writ Petition are incapable of being resolved without collecting evidence, both oral and documentary. If the petitioner is aggrieved that the 1st respondent Syndicate Bank has committed breach of any contract, he should sue them for appropriate remedy, including seeking damages for the breach of contract committed by the 1st respondent. Such questions are not capable of being decided in a Writ Petition initiated under Article 226 of the Constitution of India. Therefore, I am of the opinion that the proceedings under Article 226 are not the best suited proceedings for securing the relief prayed for.

Therefore, preserving the liberty to the petitioner to seek appropriate legal remedy against the 1st respondent Bank, the present Writ Petition is dismissed. No costs.

It is made clear that this order, in no manner, reflects an opinion on the

tenability or otherwise of the claim made by the petitioner and all contentions are kept open to be adjudicated in the appropriate legal proceedings to be initiated by him.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

25th March 2015

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