

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.09.2016

Coram:

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

W.P.No.22643 of 2014

and

M.P.No.1 of 2014

Ramu Shankar

... Petitioner

Vs

1.The Senior General Manager
Heavy Vehicles Factory
Avadi, Chennai-54.
2.The Manager
Syndicate Bank
Mogappair Branch, Chennai.

...Respondents

Prayer : This writ petition has been filed to issue a Writ of Mandamus, directing the second respondent to issue no objection certificate to transfer of salary account of the petitioner from Syndicate Bank, Mogappair Branch bearing A/c.No.861122180002811 to State Bank of India, Avadi Branch bearing A/c.No.00000033752062003.

For Petitioner : M/s.P. Saravanan

For Respondent No.1 : Mr.K.Venkataswamy Babu

SCGSC

For Respondent No.2 : Mr.K.Rajendran

ORDER

Heard the learned counsel, appearing on behalf of the petitioners, as well as the learned counsel, appearing on behalf of the respondents.

2. This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the second respondent to issue a 'No Objection Certificate', to transfer the salary account of the petitioner, from Syndicate Bank, Mogappair Branch, bearing A/c.No.861122180002811, to the State Bank of India, Avadi Branch, bearing A/c.No.00000033752062003.

3. The learned counsel, appearing on behalf of the petitioner had submitted that he has been maintaining the Savings Bank Account, in the second respondent Bank, bearing A/c.No.861122180002811. While so, he had received a letter from the second respondent Bank stating that one Zakaria had not re-paid the loan amount, which he had borrowed from the second respondent Bank.

4. It has also been stated that the outstanding amount payable by Zakaria was Rs.2,74,760.88, as on 10.12.2008. It has also been stated that the second respondent Bank had not taken any steps for recovering any

amount from Zakaria, who had died. As the petitioner is residing in Muthapudupet, it is very difficult for him to have transactions with the second respondent Bank.

5. It has also been stated that the second respondent Bank has been freezing the bank account of the petitioner, bearing A/c.No.861122180002811. Therefore, the petitioner had made a request to the second respondent Bank to issue a 'No Objection Certificate', to transfer his salary account from the second respondent Bank, to the State Bank of India, Avadi, Chennai.

6. As the second respondent Bank had not responded to the request made by the petitioner, he has preferred the present writ petition, under Article 226 of the Constitution of India.

7. The learned counsel, appearing for the second respondent Bank had submitted that the petitioner is the guarantor for the loan amount borrowed by Zakaria. As the borrower of the said loan had died, the amount deposited, in the account of the petitioner, bearing A/c.No.861122180002811, had been frozen.

8. He had further submitted that settlement talks are going on between the legal heirs of Zakaria and the second respondent Bank. He

had also submitted that, if the loan amount is settled by the legal heirs of Zakaria, the request of the petitioner may be considered, by the second respondent Bank.

9. In view of the submissions made by the learned counsel, appearing on behalf of the parties concerned and on a perusal of the records available, this Court does not find any cause or reason to grant the relief, as prayed for by the petitioner, at this stage.

10. It is not in dispute that the petitioner is the guarantor to the deceased Zakaria. As Zakaria had died and the loan amount had not been re-paid, the account of the petitioner with the Second respondent Bank, bearing A/c.No.861122180002811, had been frozen. Hence, it would not be appropriate for this Court to direct the second respondent Bank, to issue a 'No Objection Certificate', for the transfer of the salary account of the petitioner, from the second respondent Bank, to the State Bank of India, Avadi, Chennai, as prayed for by the petitioner.

11. Hence, the writ petition stands dismissed. However, the request of the petitioner may be considered, by the second respondent Bank, if the entire loan amount, borrowed by Zakaria, is settled. No costs. Consequently, connected M.P. is also dismissed.

02.09.2016

INDEX : YES/NO
INTERNET : YES/NO.

rnb

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M.JAICHANDREN J.,

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