

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2016

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THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.30554 of 2015

and

M.P.No.1 of 2015

R.Chandran

.. Petitioner

Vs.

The Branch Manager,
Canara Bank,
Mangalur,
Veppur Taluk,
Cuddalore District

.. Respondent

The writ petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus, directing the respondent herein to sanction and disburse the education loan as per the application, dated 26.09.2014 to enable the petitioner's son to complete the BS-MD (Pre-Medical Programme) with the Cagayan State Medical University at Philippines, subject to such terms and conditions attached thereto, as per the Indian Bank's Association Education Loan Scheme applicable to the respondent herein for the purpose of enabling petitioner's son to pursue his education abroad.

For Petitioner : Ms.G.Thilakavathi
For Respondent : Mr.P.Raghunathan
for M/s.T.S.Gopalan & Co.

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ORDER

Heard the learned counsels appearing on behalf of the parties concerned.

2 This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus to direct the respondent Bank to sanction and disburse the education loan, as per the application, dated 26.09.2014, to enable the son of the petitioner to complete the BS-MD (Pre Medical Program) with the Cagayan State Medical University, at Philippines.

3 The petitioner has stated that the son of the petitioner, namely C.Vigneshwaran, has been admitted to BS (Pre Medical Faculty) in Cagayan State Medical University, at Phillipines, for the academic year 2014-15. While so, C.Vigneshwaran had submitted an application, dated 26.09.2014, to the respondent Bank, for the grant of an educational loan. It has been alleged that the said application had not been processed by the respondent Bank, in view of the pendency of the repayment of four loans availed by the petitioner, the father of C.Vigneshwaran.

4 The learned counsel appearing on behalf of the respondent Bank had relied on the decisions of this Court, made in W.A.(MD)No.1629 of 2011, etc (batch), dated 20.04.2012 and in W.P.No.12876 of 2012, dated 26.7.2012, in support of his contention that the Bank, in normal circumstances, need not process the loan applications of defaulters. However, it is found that the above mentioned cases relate to the applications submitted by the defaulters, for the grant of additional loans, in the name of the initial borrower. Therefore, the decisions cited by the learned counsel appearing on behalf of the respondent Bank would not be applicable to the facts and circumstances of the present case.

5 At this stage of the hearing of the writ petition, the petitioner had filed before this Court an undertaking, dated 28.06.2016, stating that the petitioner would clear the outstanding amount of Rs.50,606/- payable towards the two wheeler loan and a sum of Rs.1,29,963/- payable towards the Teachers loan, amounting to a total sum of Rs.1,80,569/-. He had undertaken to clear the said loans, by way of weekly installments of Rs.22,571/-, spread over eight weeks. By his undertaking, dated 28.06.2016, the petitioner had further undertaken to clear the crop and tractor loans, amounting to a total sum of Rs.16,98,528/-, as expeditiously as possible. He had also undertaken to pay the said amount, after a gap of about three months, after clearing the two wheeler and teachers loans. The said amount would be cleared by paying a sum of Rs.50,000/-, every quarter.

6 The petitioner had also furnished the original documents, relating to an immovable property belonging to him, to the respondent Bank, in addition to the immovable property security already given at the time of availing the agricultural loans.

7 In view of the undertaking given by the petitioner, dated 28.06.2016, and taking into consideration the fact that the petitioner had furnished an immovable property security to the respondent Bank, for considering the application submitted by C.Vigneshwaran, the son of the petitioner, for the grant of the educational loan, this Court directs the respondent Bank to process the application submitted by C.Vigneshwaran, dated 26.09.2014, for the grant of the educational loan, after the petitioner completes the payment of a sum of Rs.1,80,569/-, consisting of the outstanding dues, relating to two wheeler and teachers loans, along with the interest accrued thereon. The petitioner shall make the above payment of Rs.1,80,569/-, in eight installments, starting from 18.07.2016. The process of the application, dated 26.09.2014, shall be completed by the respondent Bank, after the payments are made by the petitioner, as per his undertaking, dated 28.06.2016, and on the respondent being satisfied with the immovable property security furnished by the petitioner to the respondent Bank, within a period of four weeks from the date of receipt of the payment of the last installment.

8 The writ petition is disposed of with the above directions. No costs.
Consequently, connected miscellaneous petition is closed.

12.07.2016

Index : Yes/No

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**Note to office :
Issue order copy on 14.07.2016.**

To

The Branch Manager,
Canara Bank,
Mangalur,
Veppur Taluk,
Cuddalore District

M.JAICHANDREN, J.

wvk

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