

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29/2/2016

C O R A M

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.35540 of 2015

M. Sampath

... Petitioner

Vs

1. The Regional Manager
Indian Overseas Bank
Coimbatore 12
Coimbatore District.
2. The Branch Manager
Indian Overseas Bank
Pappireddipatti Branch
Pappireddipatti Taluk
Dharmapuri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents Bank to sanction the educational loan to the petitioner on the basis of the application dated 22/12/2014 submitted by the petitioner's daughter Ms.S.Mano Priya, so as to enable her to pursue BS & MD Course, a five year Medical course with Davao Medical School Foundation Inc., Philipines, within a time stipulated by this Court.

For Petitioner ... Mr.C.Vediappan
for Mr.S.Vijayan

For respondents ... Mr.F.B.Benjamin George

O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal.

2. Heard Mr.C.Vediappan for Mr.S.Vijayan, learned counsel for the petitioner and Mr.F.B.Benjamin George for the respondent Bank.

3. This writ petition has been filed praying to direct the respondent Bank, to sanction the educational loan to the petitioner, on the basis of the application, dated 22/12/2014, submitted by the petitioner's daughter, Ms.S.Mano Priya, so as to enable her to pursue BS & MD Course, a five year Medical course with Davao Medical School Foundation Inc., Philipines.

4. To pursue a five year Medical course, the daughter of the petitioner joined Davao Medical School Foundation Inc., Philipines and secured admission in B.S.& M.D, with the fond hope that the daughter of the petitioner could get educational loan with the respondent Bank. The respondent Bank directed the petitioner to produce immovable property as security. After furnishing the security, the respondents had directed the petitioner to furnish documentary proof for processing the educational loan application. On 4/7/2015, the petitioner had submitted a representation along with documentary proof, as sought for by the respondents. Since the respondents had neither considered nor processed the application of the petitioner, the petitioner has come forward with the present writ petition praying for the relief as stated therein.

5. A detailed counter has been submitted by the learned Standing Counsel appearing for the respondents, wherein it has been stated that five year Integrated Medical Course is not a recognised Medical course in India. Further, the petitioner did not come forward to furnish security to the satisfaction of the respondents. The title to the property offered as security is not free from doubt and with the documents furnished no mortgage could be created by way of deposit of title deeds. Moreover, the value of the property offered as security is not adequate to cover the loan amount as sought for by the petitioner.

6. The learned Standing Counsel appearing for the respondents would submit that if the petitioner furnish the security to the satisfaction of the respondent, then the application of the petitioner would be considered in accordance with law.

7. In view of the submission made by the learned Standing counsel appearing for the respondent Bank and without going into the merits of the claim of the petitioner, this Court directs the petitioner to approach the respondent Bank and furnish security to the satisfaction of the respondent Bank, within a period of two weeks, from the date of receipt of a copy of this order. After furnishing the same, the respondent Bank is directed to consider the application of the petitioner, dated 4/7/2015 and a reminder, dated 3/10/2015, within a period of four weeks, from the date of the petitioner approaching the respondent Bank. It is made clear that this Court has not

expressed any opinion with regard to the merits of the claim of the petition.

8. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Regional Manager,
Indian Overseas Bank,
Coimbatore 12,
Coimbatore District.
2. The Branch Manager,
Indian Overseas Bank,
Pappireddipatti Branch,
Pappireddipatti Taluk,
Dharmapuri District.

+1cc to Mr.S.Vijayan, Advocate, S.R.No.12431

+1cc to M/S.F.B.Benjamin George, Advocate, S.R.No.12666

W.P.No.35540 of 2015

ksj (CO)
srg (08/03/2016)

सत्यमेव जयते

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