

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

W.P.No. 15267 OF 2016

DATED 21ST JULY, 2016

Between:

B.Rajani Pillai

... Petitioner

AND

M/s. Vijaya Basnk,
Vijaya Nagar Colony Branch, Hyderabad,
Rep. by its Authorized Officer – cum –
Chief Manager (ARM Branch),
Vijayanagar Colony, Hyderabad, and others

... Respondents

Counsel for the petitioner : M/s. Amancharla V.Gopala Rao

Counsel for the respondents : --

THE COURT MADE THE FOLLOWING

ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

This Writ Petition is filed for issue of *mandamus* to declare the action of respondent No. 1, in not receiving the outstanding loan amount sanctioned and paid to respondent Nos. 2 and 3 under Education Loan Account No. SL/EDU/24002 and releasing the title deeds deposited by her, as illegal and arbitrary.

2. Though notices were ordered to all the respondents, respondent No. 1 appeared to have been served going by the track sheet filed by learned counsel for the petitioner. Since the petitioner is prepared to clear the entire loan amount, for which she stood as guarantor, it is not necessary to await service of notices on respondent Nos. 2 and 3.

3. Sri Amancharla V.Gopalaa Rao, learned counsel for the petitioner, submitted that respondent No. 1 has not been responding to his client's request to receive the entire loan amount sanctioned and paid to respondent Nos. 2 and 3 for educational purpose, close the loan account and release the title deeds of her property deposited by her. In spite of service of notice, no one represented respondent No. 1. Learned counsel for the petitioner further submitted that, in view of the *interim* orders granted in S.A.No. 167 of 2010 by the Debts Recovery Tribunal – II at Chennai, certain payments have been made and the petitioner is able to retain possession.

4. In these facts of the case, the petitioner is permitted to approach respondent No. 1 with a written representation expressing her readiness and willingness to repay the entire loan amount, along with interest, sanctioned and paid to respondent Nos. 2 and 3 under Education Loan Account No. SL/EDU/24002. Within two weeks of receipt of such representation, respondent No. 1 shall prepare proper account and inform the loan amount due under Education Loan Account No. SL/EDU/24002 to the petitioner. While preparing the account, respondent No. 1 shall give credit to the amounts already paid by the petitioner and respondent No. 1 shall release the title deeds to her within two weeks of receipt of payment.

5. Subject to the above direction, the Writ Petition is disposed of.

6. As a sequel to disposal of the Writ Petition, W.P.M.P.No. 18930 of 2016 shall stand closed as infructuous.

C.V.NAGARJUNA REDDY, J.

G.SHYAM PRASAD,

J.

Date: 21-07-2016.

JSK