

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.03.2017

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.6530 of 2017
and
W.M.P No.7035 of 2017

Mahadevan

... Petitioner

Versus

1.The Regional manager,
State Bank of India,
Hosur.

2.The Branch Manager,
State Bank of India,
Kadathur Branch,
Papiiredypety Taluk,
Darmapuri District - 635303

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to release from the freezing of the petitioner's small savings bank account No. 11177921814 maintained at State Bank of India, Kadathur Branch, Pappireddipatti Taluk, Dharmapuri District, consequently direct the second respondent to reschedule the repayment of education loan directly by the petitioner's son Kaviyarasu on getting his employment subject to waiver of interest as per the policy of the Central Government.

For Petitioner : Mr.M.A.Sivakumaran
For Respondents : Mr. P.D.Audikesavalu

ORDER

The petitioner's son Kaviyarasu availed educational loan to the tune of Rs.2,54,000/- on 02.11.2009 for the purpose of pursuing B.E., (EC) Course and he successfully completed the course. As the petitioner stood as guarantor for the loan availed by his son, after his son completed the B.E. (EC) course, the bank demanded repayment of the laon amount and accordingly, the petitioner agreed for deduction of Rs.3,500/- per month from his salary every month. According to the petitioner, after completion of B.E. (EC) course, his son has

decided to pursue his higher course and therefore, he decided to get employed after pursuing his Post Graduate Degree - M.E. (Embeded System and Technology). While the petitioner was paying Rs.3,500/- per month towards the educational loan availed by his son, the respondents have, without any notice, freezed the savings bank account of the petitioner in which his employer credits the monthly salary. As the bank account was freezed, the petitioner could not withdraw his monthly salary and this has resulted in adverse financial consequences to the petitioner. In such circumstances, the petitioner is before this Court with this writ petition.

2. I heard the learned counsel for both sides. When the writ petition is taken up for hearing, the learned standing counsel appearing for the respondents produced a communication dated 20.03.2017 of the second respondent bank, wherein it is stated as follows:-

"Loan Sanctined : Rs.2,54,000
Date of Sanction : 05.11.2009
Repayment start from 30.06.2014 - instalment
amount Rs.6844/- pm
Over due amount Rs.76,432/-
Outstanding amount Rs.3,13,458 + interest
Rs.74200 as on 20.03.2017
We have put the hold for Rs.50,000/- on
11.11.2016 in the S. Mahadevan's SB Account
No.11177921814. Now the outstanding in the SB
account is Rs.80693/-
We enclose herewith the statement of loan
account and SB Account for your reference.

3. Relying on the above said communication dated 20.03.2017, the learned standing counsel for the respondents would contend that the second respondent has de-freezed the bank account and therefore, the prayer sought for by the petitioner no longer survives for consideration by this Court. The said statement of the counsel for respondents is recorded.

4. As regards the prayer sought for by the petitioner to reschedule the payment of education loan directly by the petitioner's son Kaviyarasu on getting his employment, this Court cannot issue any direction to the respondents and it is for the petitioner to approach the respondents in this regard.

5. In the light of the submission of the counsel for the respondents that the savings bank account of the petitioner was de-freezed by the bank, no further order is required to be passed by this Court. Accordingly, the writ petition is closed.

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

dpq/rsh

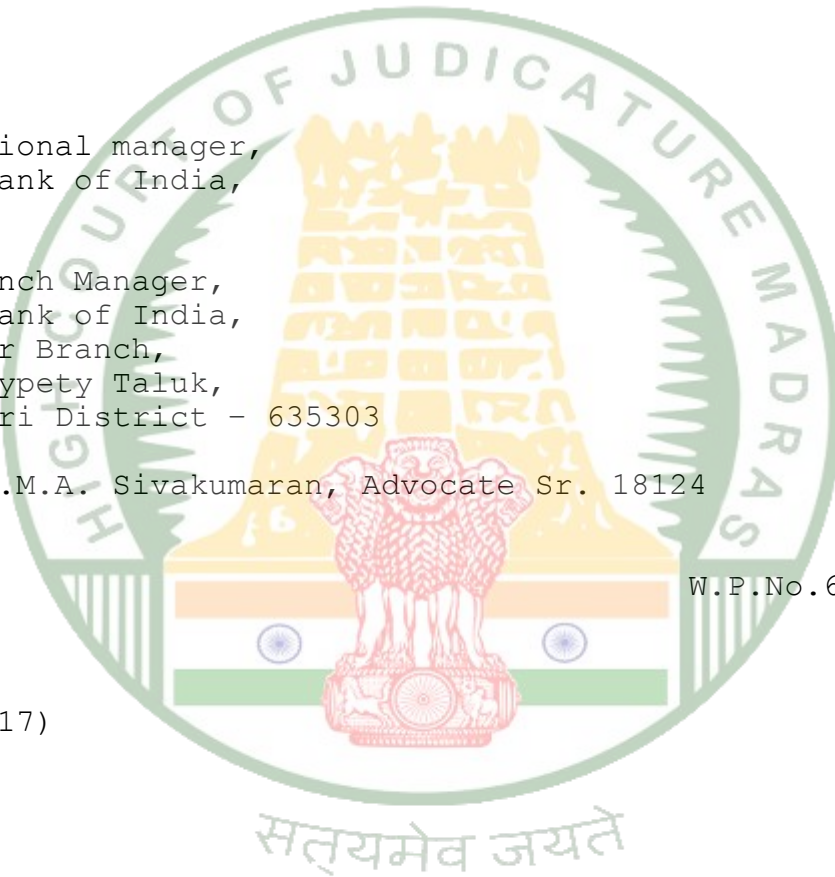
To

1. The Regional manager,
State Bank of India,
Hosur.
2. The Branch Manager,
State Bank of India,
Kadathur Branch,
Papiredypety Taluk,
Darmapuri District - 635303

+1cc to Mr.M.A. Sivakumaran, Advocate Sr. 18124

W.P.No.6530 of 2017

VSN(CO)
VR(19/4/2017)



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