

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9568 of 2004

Sappani @ Thadiya Goundar

...Petitioner

/versus/

Indian Overseas Bank,
Rep. By its Branch Manager,
Indur Branch, Dharmapuri Taluk,
Dharmapuri District.

...Respondent

Prayer: Writ petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus or any other appropriate writ, direction or order in the nature of the writ, directing the respondent to issue the Loan Clearance Certificate in respect of the Tractor Loan granted to the petitioner (S.F.A/c.No.65/94) and to return the original documents hypothecated towards the said loan to the petitioner by considering his representation dated 10.01.2004.

For Petitioner : Mr.R.Thamarai Selvan

For Respondent : No Appearance

O R D E R

The prayer in the writ petition is for a direction to the respondent to issue a Loan Clearance Certificate in respect of the Tractor Loan granted to the petitioner (S.F.A/c.No.65/94) and to return the original documents hypothecated towards the said loan to the petitioner by considering his representation dated 10.01.2004.

2. Admittedly, the writ petitioner has borrowed a Loan amount of Rs.86,660/- (Rupees Eighty Six Thousand Six Hundred and Sixty only) from the respondent, Indur Branch of the Indian Overseas Bank in the year 1986, for the purchase of the Tractor and accordingly the writ petitioner pledged the original documents relating to his family properties.

3. The contention of the writ petitioner is that he had not repaid the entire Loan amount and approached the respondent Bank on 03.01.2002 to ascertain the due amount with interest.

4. The respondent at that point of time informed the writ petitioner that he had to pay a total sum of Rs.1,65,000/- (Rupees One Lakhs Sixty Five Thousand only) which was due at the relevant point of time.

5. At this juncture the present writ petition had been filed for the aforementioned relief.

6. The writ petitioner is unable to inform this Court that whether the loan dues were settled by him with the respondent or the representations submitted by the writ petitioner seeking a one time settlement was adhered to by the respondent or not. In view of this ambiguity and further due to the lapse of 13 years, this Court is not in a position to consider the prayer as such sought for by the writ petitioner and accordingly it is for the writ petitioner to work out his remedy with the respondent with regard to the settlement of Loan and accordingly the present writ petition is dismissed as devoid of merits. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rna/rpa

To

The Branch Manager,
Indian Overseas Bank,
Indur Branch, Dharmapuri Taluk,
Dharmapuri District.

W.P.No.9568 of 2004

GMI (CO)
RS (20/04/2017)