

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P. No.30784 of 2015

D.Masilamani

.. Petitioner

vs.

1 The Chief Manager cum
Authorised Officer
Stressed Assets Recovery Branch
State Bank of India
No.377/1 Dr. Nanjappa Road
Coimbatore 18

2 The Recovery Officer
Debt Recovery Tribunal
No.1670 Trichy Road
Ramanathapuram
Coimbatore 641 045

3 Miss.M.Aswini

4 Mrs.Malliga

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, to direct the respondents 1 and 2 to consider the representation of the petitioner dated 20.7.2015 and to deliver the original documents of the title deeds to the petitioner on closing the Educational Loan Account No.30000 621 515 within stipulated time.

For Petitioners : Mr.A.Thamizharasan

For Respondents : Mr.R..Vigneshwaran for R1
R2 - Tribunal
R3 - Not ready in Notice
: Mr.G.Desing U - for R4

O R D E R

(Order of the Court made by M.DURAIWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondents 1 and 2

to consider the representation of the petitioner dated 20.7.2015 and to deliver the original documents of the title deeds to the petitioner on closing the Educational Loan Account, within stipulated time.

2. Admittedly, the petitioner is neither a borrower nor a guarantor in respect of the Educational Loan availed from the 1st respondent- bank. The 4th respondent availed the Educational Loan from the bank for the education of the 3rd respondent by executing necessary documents. The petitioner is the erstwhile husband of the 4th respondent.

3. When the Writ Petition is taken up for hearing, the learned counsel appearing for the respondents 1 and 4 submitted that the petitioner has already filed two Writ Petitions for identical reliefs in W.P.No. 28445 of 2013 and W.P.No. 20036 of 2014 and both the Writ Petitions were dismissed by this Court, by order dated 03.02.2014 and 20.08.2014 respectively.

4. Since the Division Bench of this Court had already dismissed the Writ Petitions filed by the petitioner on the same set of facts, we are not inclined to entertain the Writ Petition. Accordingly, the Writ Petition is dismissed. However, it is open to the petitioner to approach the Civil Court, in accordance with law, for getting back the original documents from the 4th respondent. No costs.

Rj

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Recovery Officer
Debt Recovery Tribunal
No.1670 Trichy Road
Ramanathapuram
Coimbatore 641 045

+1cc to Mr.Thamizharasan, Advocate, S.R.No.85344
+1cc to Mr.R.Vigneshwaran, Advocate, S.R.No.85599

W.P. No.30784 of 2015

kak(02/01/2019)