

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.27104 of 2017

G.Gopal
S/o.Gurusan (Late)

... Petitioner

vs.

The Branch Manager
Indian Bank
Vembakkam Branch
Vembakkam - 604 410.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to grant the educational loan to the petitioner to the tune of Rs.3,92,400/- (Three Lakhs Ninety Two Thousand Four Hundred Only) based on the educational loan application of the petitioner dated 21.09.2017 within reasonable time.

For Petitioner : Ms.K.Gayathri
for Mr.N.Meenakshi Sundaram

For Respondent : Mrs.S.R.Sumathy

O R D E R

The petitioner seeks for a mandamus directing the respondent Bank to grant educational loan to the tune of Rs.3,92,400/- to him.

2. Heard the learned counsel for the petitioner and perused the materials placed before this Court, including the counter objections filed by the respondent.

3. It is stated by the petitioner that he is ailing from a poor family with an annual income of Rs.48,000/-. It is further stated that the petitioner is provisionally selected for admission to the course of L.L.M. for the academic year 2016-2018 in the Tamil Nadu Dr.Ambedkar Law University, Chennai. Therefore, he applied for educational loan of Rs.3,92,400/- before the respondent. As the said request has not been considered so far, the petitioner has filed the present writ petition seeking for the relief as stated supra.

4. The learned counsel for the petitioner submitted that the petitioner, being a poor student, the respondent Bank ought to have considered his request for grant of educational loan. She further submitted that the reasons set out in the counter objections filed by the respondent are not correct.

5. In the counter objections filed by the respondent, except saying that the academic track record of the applicant / petitioner herein was not satisfactory and that there is over dues in respect of other banks with adverse remarks and also by saying that the applicant / petitioner is not staying in the address for the past 10 years, no clear-cut details explaining the facts and figures are given as to how such reasonings are justified.

6. On the other hand, it is submitted by the learned counsel for the petitioner that the petitioner is residing in the address given in the loan application and he is ready to produce all the relevant documents before the respondent in support of his claim. The learned counsel further pointed out that in the letter dated 25.07.2017, the petitioner has stated all the facts with regard to the queries raised by the respondent Bank and therefore, the respondent may be directed to consider the claim of the petitioner once again and pass appropriate orders.

7. The learned counsel for the respondent, after reiterating the contentions raised in the counter objections and submitted that because of the above said reasons, the petitioner's request has not been considered.

8. Perusal of the petitioner's letter dated 25.07.2017, would show that he informed the respondent Bank that he is residing in the very same address since from his birth. It is also stated therein that the petitioner is having ID Card, Voter ID, Ration Card, Pan Card and Aadhaar Card etc., referring the above said address only.

9. Considering the above stated facts and circumstances, the petitioner is directed to produce all those documents before the respondent for verification for considering the petitioner's request for grant of educational loan for a sum of Rs.3,92,400/-. Insofar as the contention of the learned counsel for the respondent regarding some over dues in respect of the other loans is concerned, the petitioner cannot be found fault with, as long as he has not availed any such loan. Therefore, it is for the respondent to consider the petitioner's request for grant of educational loan, once again afresh, by giving due opportunity of hearing to the petitioner and also perusing the documents filed by him. Accordingly, this writ

petition is disposed of, by directing the respondent to consider the claim of the petitioner for grant of educational loan and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order, after giving due opportunity of hearing to the petitioner and perusing the materials placed before the respondent. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

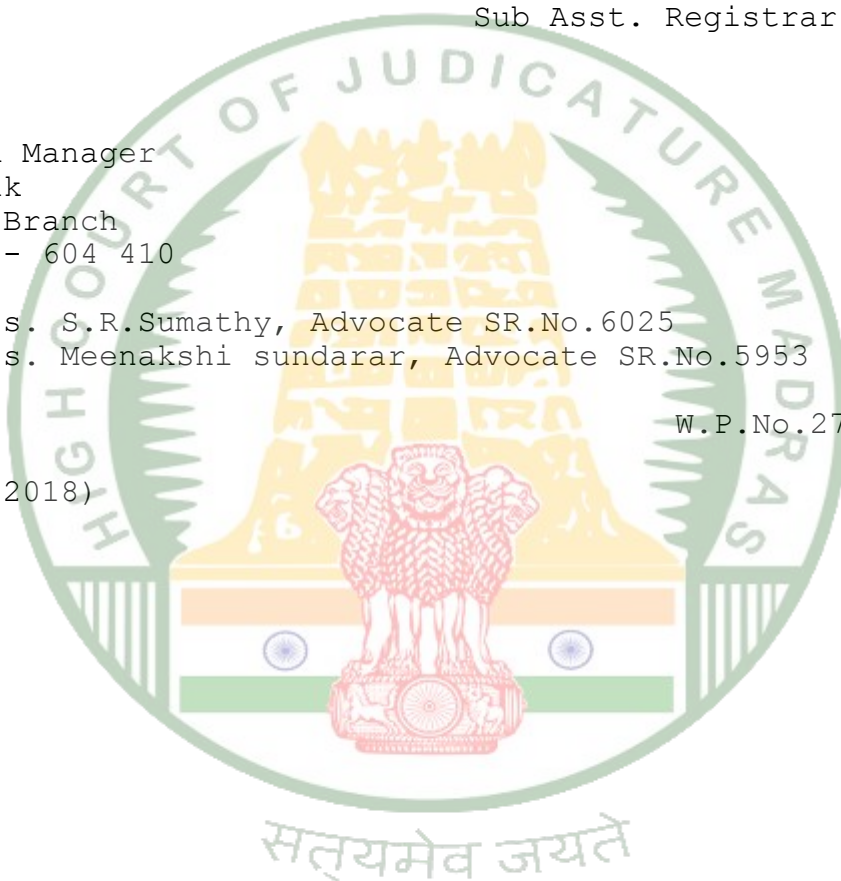
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To

The Branch Manager
Indian Bank
Vembakkam Branch
Vembakkam - 604 410

+1CC to M/s. S.R.Sumathy, Advocate SR.No.6025
+1CC to M/s. Meenakshi sundarar, Advocate SR.No.5953

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CNR (CO)
VUM(10.02.2018)



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