



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2018

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THE HONOURABLE MR.JUSTICE M.V.MURALIDARANW.P.(MD) No.11465 of 2018
and W.M.P.(MD) No.10449 of 2018

S.Paulraj

... Petitioner

-vs-The Branch Manager,
State Bank of India,
Srivaikundam Branch,
Srivaikundam,
Tuticorin District.

... Respondent

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to consider the petitioner's representation dated 05.05.2018 and consequently to un-lock the petitioner's A/c.No.11261579521 forthwith so as to enable the petitioner to operate his above Bank Account in A/c.No.11261579521 by considering the petitioner's representation dated 05.05.2018 within the time limit that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.M.S.Jeyakarthik

O R D E R

This writ petition has been filed, seeking a direction to the respondent to consider the petitioner's representation dated 05.05.2018, with the consequential relief to un-lock his Bank Account No.11261579521 forthwith so as to enable him to operate his Account.

2. It is the case of the petitioner that he has been working as Watchman in Thiru Senthil Andavar Government Boys School, Tiruchendur and when he attempted to draw money through ATM on 03.05.2018, it was displayed that his account was locked. On enquiry, he was informed that pursuant to non-re-payment of educational loan obtained for his son's study, his account was locked. It is the further case of the petitioner that though his son has completed M.E. in the year 2016, he did not get any job till now and his son had approached the District Legal Services Committee, Srivaikundam by way of filing LAP No.152 of 2017 for settlement of loan without any interest, but he could not succeed in it and only thereafter, the account of the petitioner was locked.



3. The petitioner submits that he is a physically challenged person and his salary is being credited in the said account only and due to the act of the Bank, he is unable to draw his salary from the account. In this regard, he has already submitted a representation dated 05.05.2018, requesting the Bank to permit him to operate his account and so far, the representation has not been considered and suitable orders passed thereon to sort out his grievance. Hence, the petitioner is before this with the above prayer.

4. Heard the learned counsel for the petitioner and since private notice was already ordered to the Bank, the Court notice is dispensed with, in view of the nature of disposal of this case.

5. It is the case of the petitioner that he is the only breadwinner of his family and eking out his livelihood from the income received as salary from the school, in which he is working. The temporary closure of his account on one fine morning, that too, without any intimation, deprived his life and personal liberty guaranteed under the Constitution of India. Though a joint account in the name of his son and the petitioner had been opened for the purpose of getting educational loan to pursue B.E.Degree and a separate A/c.No.31950622260 was assigned for that, his Savings Account No.11261579521 was unilaterally unlocked on the failure to repay the loan, pertaining to A/c.No.31950622260 and the said act of the Bank is highly arbitrary and un-sustainable. The Hon'ble Supreme Court and this Court, time and again, instructed Banks not to be so harsh, while collecting educational loan amount from the defaulters, especially downtrodden.

6. When the Bank was apprised to freeze the account, it is equally incumbent upon the respondent to give intimation to the concerned account holder to that extent by adhering to the relevant provisions of law and the failure to do so will automatically give right to the petitioner to operate his account. Therefore, this Court is of the view that the petitioner is entitled to the relief sought for in this writ petition and his account is liable to be defroze.

7. In fine, this writ petition is disposed of and the respondent Bank is directed to unlock the Bank Account Number 11261579521 of the petitioner, within a period of one week from the date of receipt of a copy of this order and permit him to have transaction therefrom, on the basis of his representation dated 05.05.2018. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()



To:

The Branch Manager,
State Bank of India,
Srivaikundam Branch,
Srivaikundam,
Tuticorin District.

+ 1 CC TO Mr.M.S.JEYAKARTHIK, ADVOCATE IN SR No.66570

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TE/SKN/SAR-4 : 03/07/2018 : 3P/3C

W.P. (MD) No.11465 of 2018
01.06.2018