



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.12830 of 2018

and

W.M.P. (MD) No.11701 of 2018

P.Tawfiq Ur Rahman

... Petitioner

vs.

The Branch Manager
State Bank of India
Kalkulam Branch
10/31, Eraniel Road
Opp.Munsif Court
Thuckalay & Post
Kanyakumari District
Pincode-629175

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondent to consider the representation of the petitioner dated 11.04.2018 for one time settlement (OTS) by waiving the penal and compound interest for the loan account No.30595945101 with reference to the educational loan of the petitioner and pass appropriate orders so as to enable the petitioner to settle the loan by paying one time lumpsum amount and to close the loan.

For Petitioner : Mr.D.Srinivasa Ragavan
For Respondent : Mr.K.R.Laxman

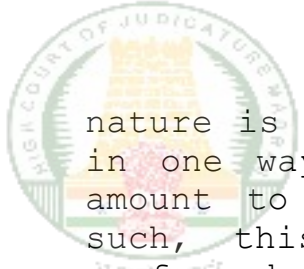
O R D E R

Mr.K.R.Laxman, learned counsel, takes notice for the respondent.

2. By consent of both parties, this writ petition is taken up for final disposal.

3. It is the grievance of the petitioner that his representation dated 11.04.2018 seeking to waive the penal interest, compound the interest, calculate the actual amounts due from him and allow him to close the loan account finally in one time settlement, has not been considered by the respondent till date and therefore, he has filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this



nature is made, the respondent is duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of his office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct him to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the respondent to consider the petitioner's representation dated 11.04.2018 on its own merits and take further action in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-II)

To

The Branch Manager
State Bank of India
Kalkulam Branch
10/31, Eraniel Road
Opp. Munsif Court
Thuckalay & Post
Kanyakumari District
Pincode-629175

+1cc to Mr.V.SANJEEVI, Advocate SR.No.75395

Krk

MK/KAK/SAR 2/06.08.2018/2P/3C

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