

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.25757 OF 2017

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents and perused the prayer in the writ petition with the supporting affidavit and the material on record.

2. The prayer in the writ petition reads as follows:-

“to issue writ or direction preferably Writ of Mandamus declaring the action of the respondent no 3 bank in withholding the salary of the petitioner which is being deposited in the S B account no 62347829374 with effect from January 2017 as illegal arbitrary without authority and violative of principles of natural justice and consequently direct the respondents to release the salary amount and permit the petitioner to operate his S B Account as usual and pass such other or further orders as this Honble court deems fit and proper in the circumstances of the case

3. No doubt, the bank issued notices demanding the amount from the borrower and also to the guarantor who is the writ petitioner in respect of the term loan Ac.No.62411487610. It is the contention of the learned counsel for the respondents/ Bank that they got general lean contemplated by Section 171 of the Contract Act. It is the submission that in the very agreement of guarantee executed by the writ petitioner from condition No.8, there is a specific undertaking to exercise the lean as contemplated by the provision.

4. Once that is the case, there is nothing to pass any order against the respondents but for if at all the writ petitioner wants to change the account to which the salary by his Employer to be credited, he can change by virtue of this order by making a representation to the Employer with another account number in another bank.

5. With these observations, the Writ Petition is disposed of. Consequently, miscellaneous petitions, if any, in this Writ Petition shall stand closed.

DR. B. SIVA SANKARA RAO, J

Dt.30.04.2018

Note: Issue copy forthwith.

b/o. vvr

