

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2019

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.23783 of 2019

Mr.M.Arumugam

.. Petitioner

/versus/

1.The General Manager,
State Bank of India,
Chennai Zone, College Lane,
Chennai 600 006.

2.The Regional General Manager,
State Bank of India,
Villupuram Region,
Thiru.Vi.Ka.Street,
Villupuram 605 602.

3.The Manager,
State Bank of India,
Sendurai Town and Taluk,
Ariyalur District.

.. Respondents

Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to sanction and disburse a sum of Rs.1,18,700/- per year towards Educational loan for undergoing the B.E. (Electronics and Communications) at Erode Sengunthar Engineering College, Thudupathi, Erode District, within a time frame fixed by this Court.

For Petitioner :Mr.G.Ilamurugu

For Respondents:Mr.Chevanan Mohan for
King and Partridge for R1 to R3

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus directing the respondents to sanction and disburse a sum of Rs.1,18,700/- per year towards Educational loan for undergoing the B.E.(Electronics and Communications) at Erode

Sengunthar Engineering College, Thudupathi, Edore District, within a time frame fixed by this Court.

2. The case of the petitioner is that he applied for educational loan to support his daughter, who is pursuing Engineering Course in Erode Sengunthar Engineering College. However, the loan application of the petitioner has been rejected, since the application does not carry the correct address of the residence and when the Officers of the Bank went for inspection, they found that the applicant is not residing in the address given in the application.

3. The learned counsel appearing for the respondents would submit that the physical application presented by the petitioner indicates that the applicant resided at D.No.3/112, Sivan Koil Street, Neivanam. In the said address before disbursement of loan verification was conducted and it was found that for the past five years, nobody is residing in the said address. Now, the petitioner states that they are living in the neighbouring street bearing No.3/200B Ramasamy Nagar, Neivanam.

4. The learned counsel appearing for the respondents would submit that even in the affidavit, the petitioner has stated his residence number as 3/112 Sivan Koil Street, Neivanam. His community certificate and income certificate indicate that he is residing at No.3/112 Sivan Koil Street, Neivanam. Further, he would submit that in the affidavit filed in support of the writ petition, the petitioner stated that he is residing at No.3/112 Sivan Koil Street, Neivanam. The community certificate and the income certificate indicate that he is a residence of 3/112 Sivan Koil Street, Neivanam. Likewise the Aadhar Card of the petitioner Arumugam indicates that he is a residence of No.3/112 Ramasamy Nagar. Whereas the Aadhar card of the petitioner's daughter for whom the educational loan sought indicates that she is residing at No.3/200B Ramasamy Nagar. The Passbook of the joint account held by the petitioner and his daughter indicates that they are residing at No.3/200B Ramasamy Nagar, Neivanam. Since the petitioner has given difference addresses in different documents and the field verification also discloses that they are not residing at No.3/112 Sivan Koil Street, the address in the application, the Bank has rightly rejected the loan application.

5. This Court finds no error in the decision of the bank rejecting the loan application. The discretion of the Bank for disbursement of the loan is non justiciable, unless and until malafide or arbitrariness is established. In the case of the petitioner, this Court does not find any arbitrariness. There is no iota of material to attribute any malafide or

arbitrariness in the decision of the bank. Hence, this writ petition is dismissed.

6. However, the dismissal of the writ petition shall not stand in the way of the petitioner to make fresh application with proper details for consideration of his loan application. No costs.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The General Manager,
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Chennai 600 006.

2.The Regional General Manager,
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Villupuram Region,
Thiru.Vi.Ka.Street,
Villupuram 605 602.

3.The Manager,
State Bank of India,
Sendurai Town and Taluk,
Ariyalur District.

+lcc to Mr.G.Ilamurugu, Advocate, SR.No.78404

+lcc to M/s.King & Partridge, Advocate, SR.No.78074

सत्यमेव जयते

W.P.No.23783 of 2019

Kak(16/10/2019)

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