



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3128 of 2019 and
W.M.P.(MD)No.2449 of 2019

Abishek Vedharathinam Karunakarapandiyan,
Rep. by its father and Power Agent,
Karunakara Pandiyan.

... Petitioner

Vs.

1. Union Bank of India,
Udayanadu Branch,
Rep. by its Branch Manager,
DG.L.Tower, Udayanadu Post,
Kuruvikarambai Via,
Peravurani Taluk,
Thanjavur District - 614 802.

2. The Deputy Regional Head,
Union Bank of India,
Regional Office,
Madurai.

(R-2 is impleaded vide order dated 26.04.2019
in W.M.P.(MD)No.8086 of 2019)

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the point No.8.20; page No.75 of E-Manual-Union Education Loan 2018-Abroad studies and consequential rejection order passed in RO:CR:25015 dated 02.02.2019 passed by the Deputy Regional Head of the respondent Bank, quash the same in so far as rejecting the application for the education loan for a sum of Rs.30,00,000/- submitted by the petitioner and consequently direct the respondents forthwith to sanction and disburse educational loan of Rs.30,00,000/- to the writ petitioner for pursuing his M.E., in Electrical Engineering, RMIT University, Melbourne, Australia, within a time frame.

(Prayer is amended vide order dated 26.04.2019 in W.M.P.(MD) No.7700 of 2019.)

For Petitioner : Mr.A.Rahul

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondent : Mr.V.S.Karthi

O R D E R

The petitioner seeks grant of education loan from the Union Bank of India. They had earlier approached seeking disbursement of loan amount to the tune of Rs.30 Lakhs. In fact provisional sanction was also issued on 12.05.2017. Based on the same, the petitioner had also executed a Memo of Deposit of title deeds on 07.02.2018. However, the respondents have not disbursed the loan amount. That necessitated the filing of this Writ petition.

2. During the pendency of the petition, the second respondent issued the communication dated 02.02.2019 rejecting the petitioner's request. Before filing of the Writ petition, the rejection order was not passed. Therefore, the prayer made in the Writ petition was sought to be amended by filing W.M.P.(MD)No.7700 of 2019 and the same was allowed.

3. The petitioner's request has been rejected by the second respondent on two grounds. The first ground is that the petitioner's brother had already availed himself the education loan from the Indian Bank. The said loan is still in currency and it has not been settled. Therefore, the stand of the second respondent is that the petitioner will have to approach the very same Bank and not shift to them.

4. I am unable to agree with the aforesaid submission. The primary contention of the petitioner is that the petitioner has offered collateral security, when he earlier claimed loan to the tune of Rs.30 Lakhs. The petitioner had already offered security in favour of the respondents. The petitioner is now willing to offer security by way of collateral in respect of immovable property to the tune of Rs.18 Lakhs.

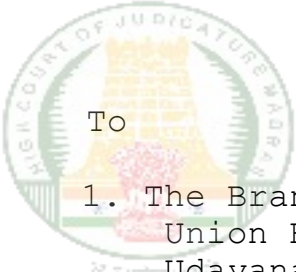
5. The respondents shall take the same into account and grant loan to the petitioner subject to their norms. In other words, the petitioner's case will not be denied on the ground that he had earlier approached and availed the education loan from the Indian Bank and that the said loan is in currency. Since the petitioner is offering the property as collateral security to meet the extant Bank norms, the petitioner shall be given education loan. This exercise shall be done within a period of four weeks from the date of receipt of a copy of this order.

6. This Writ petition stands allowed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

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To

1. The Branch Manager,
Union Bank of India,
Udayanadu Branch,
DG.L.Tower, Udayanadu Post,
Kuruvikarambai Via,
Peravurani Taluk,
Thanjavur District - 614 802.

2. The Deputy Regional Head,
Union Bank of India,
Regional Office,
Madurai.

+1 CC to M/s.A.RAHUL, Advocate (SR-63499[F] dated 27/04/2019)

+1 CC to M/s.VS.KARTHI, Advocate (SR-63523[F] dated 27/04/2019)

W.P. (MD) No.3128 of 2019 and
W.M.P. (MD) No.2449 of 2019
26.04.2019

pmu

JMN(28.08.2019) 3P : 5C