



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.02.2020**

CORAM:

THE HONOURABLE **MR. JUSTICE M. S. RAMESH**

W.P. (MD) No. 2538 of 2020

WEB COPY

Raman

... Petitioner

/vs./

1. The Manager,
State Bank of India,
Nilakottai Branch,
Door No.1/4/50 Madurai Main Road,
Nilakottai, Dindigul District.

2. The Manager,
State Bank of India,
Ayyampalayam Branch,
Ayyampalayam Post,
Nilakottai Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to release the petitioner's salary and other funds from the illegal holding upon the petitioner's account which bearing A/C No.10832854419 at 1st respondent Bank.

For Petitioner : Mr.S.Moorthy

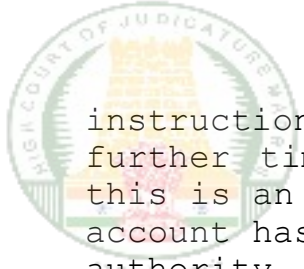
For Respondents : Mr.R.Iyappan
Standing Counsel

ORDER

It is the case of the petitioner that for the alleged default committed by the petitioner's father towards agricultural loan, his salary savings A/c.No.10832854419 has been frozen by the respondents herein.

2. The learned counsel for the petitioner would submit that the petitioner herein was neither a borrower nor a guarantor of the agricultural loan availed by his father and the respondents have frozen the petitioner's accounts without any prior notice. Since the petitioner and his family members, consisting of his wife and two school going children, depend upon the petitioner's salary, the illegal action on the part of the respondents have caused serious prejudice to him.

3. Today, the matter is listed under the caption 'for orders' and in spite of the same, the learned Standing Counsel appearing for the respondents has submitted that he does not have proper



instructions from the respondents Bank and therefore, he seeks for further time. I am not inclined to grant any further time, since this is an issue where the petitioner claims that his monthly salary account has been illegally held by the respondents Bank, without any authority. Since the learned Standing Counsel appearing for the respondents has not been properly instructed with regard to the petitioner's status and his nexus with the outstanding loan of his father's account, I am inclined to accept the submission made by the petitioner on the face of it.

4.It is needless to mention here that, in case, since the petitioner is not a borrower in connection with the agricultural loan nor is a guarantor, the respondents will have no authority to freeze the petitioner's salary account. Even otherwise, there was a duty cast upon the respondents to put the petitioner on prior notice before freezing the salary account.

5.However, in case, the petitioner herein has stood as a guarantor for the loan of his father, it is made clear that the respondents shall proceed against the petitioner herein in accordance with law for the purpose of recovering the amount alleged to have been defaulted by the petitioner's father.

6.In the light of the above observations, there shall be a direction to the first respondent to forthwith de-freeze the petitioner's savings A/c.No. 10832854419, in any event atleast, within a period of two working days from the date of receipt of a copy of this order.

7.In the result, this writ petition stands allowed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The Manager,
State Bank of India,
Nilakottai Branch,
Door No.1/4/50 Madurai Main Road,
Nilakottai, Dindigul District.



2.The Manager,
State Bank of India,
Ayyampalayam Branch,
Ayyampalayam Post,
Nilakottai Taluk,
Dindigul District.

+1 CC to Mr.R.IYAPPAN, Advocate (SR-7927[F] dated 24/02/2020)

Order made in
W.P. (MD) No.2538 of 2020
24.02.2020

VB (27.02.2020) 3P 4C