IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28400 of 2019
and
W.M.P.No.28085 of 2019

R.Kathirvel ...Petitioner

Vs.

1.The Regional Manager,
Canara Bank,
Busy Street, Near Chinna Manikoondu,
Puducherry.

2.The Branch Manager,
Canara Bank,
Perperiyankuppam, Panrutti Taluk,
Cuddalore District. ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to permit the petitioner to operate his Savings Bank Account No.1466101001454 maintained with the 2nd respondent bank and to release the attached pension benefits of the petitioner and also to activate petitioner's Debit Card (ATM Card) based on the representation of the petitioner on 06.02.2019 forthwith.

For Petitioner : M/s.D.S.Thiruma Valavan

For Respondents : Mr.M.L.Ganesh

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 06.02.2019 and to permit the petitioner to operate his Savings Bank Account maintained in the 2nd respondent bank and also to release the attached pension benefits of the petitioner and also to activate petitioner's Debit Card (ATM Card).

2. The case of the petitioner is that he has obtained agricultural loan from the 2nd respondent bank for a sum of

Rs.3,50,000/- in the year 2012 and has also furnished his original settlement deed as security and the said loan was discharged completely on 30.06.2018. In the mean time, the petitioner's son obtained educational loan for a sum of Rs.1,00,000/-, but unfortunately his son died in a road accident on 10.12.2015 and the same was intimated to the 2nd respondent bank to close the educational loan account. Thereafter, the petitioner approached the 2nd respondent bank and requested them to return the original settlement deed which was furnished by him as security while obtaining the agricultural loan, however, to his utter shock, the 2nd respondent bank informed him that his savings account that carries his pension amount was attached, without any prior notice or intimation to the petitioner and has also deactivated his debit card. Therefore, the petitioner sent a detailed representation to the respondents on 06.02.2019 and requested them to return his pension amount and original documents and also to activate his debit card. However, till date, the respondents have not passed any orders on the petitioner's representation. Hence, this Writ petition.

3. The learned counsel for the petitioner submitted that though the petitioner has discharged the agricultural loan completely and also since his son died, the same was intimated to the 2nd respondent bank and asked them to close the educational loan obtained by his son, the 2nd respondent bank has not released the pension amount of the petitioner in his savings account and has also attached the same without any prior notice and when the same was questioned by the petitioner, the 2nd respondent bank gave only evasive replies and made the petitioner to run from the pillar to post. He further submitted that, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation and release the documents and the pension amount in the attached savings account and also to activate the debit card of the petitioner as early as possible.

4. The learned counsel appearing for the respondents submitted that the petitioner had availed agricultural loans in the year 2011 and 2012 from the 2nd respondent bank and has not repaid the same, which has resulted in the slipping of loan account into NPA category. Apart from the said agricultural loan, the petitioner had also availed education loan in the year 2010 for his son, unfortunately, his son expired in the year 2015 and the said loan account was also turned into NPA category. He further submitted that, the petitioner sought for one time settlement of both agricultural and education loan for Rs.3 Lakhs as against the total liability of Rs.9,40,038/-and accordingly, the petitioner has paid a sum of Rs.1,80,000/- only and requested the respondent bank to release the original documents for which the bank has informed the petitioner to pay

the balance sum of Rs.1,20,000/- on or before January 2019. Since, the petitioner has defaulted in repaying the OTS amount, the respondent bank has made debit freeze in the savings account and the same was informed to the petitioner on 18.09.2019 and also informed him to receive back the original documents from the branch. He furthermore submitted that, the respondent bank is ready to return the original documents and to activate the accounts provided if the petitioner approaches the branch for complying with banking formalities and he also submitted that the loan accounts were closed and subsequently the savings account and the ATM card linked with the said account were defreezed.

5. Heard the arguments advanced on either side.

6. On perusal of the counter affidavit field by the respondents, it is made clear that the petitioner obtained credit facilities from the 2nd respondent bank which was not repaid by him, hence, the petitioner's loan amount was declared as NPA and it is alleged that the petitioner sought for one time settlement against the education and agricultural loans for a sum of Rs.3,00,000/- in which the petitioner has paid only Rs.1,80,000/- and since the balance amount of Rs.1,20,000/- was not paid, the respondent bank has made debit freeze in the savings account. It is alleged that the respondent bank has already informed the petitioner to receive back the original documents and instead of receiving back the documents, this writ petition has been filed. In the above scenario, the prayer sought for by the petitioner is not maintainable. However, this order will not stand on the way of the petitioner to settle the issue with bank either by OTS or other scheme.

7.This Writ petition is accordingly dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

skt

To

1.The Regional Manager,
Canara Bank,
Busy Street, Near Chinna Manikoondu,
Puducherry.

2.The Branch Manager,
Canara Bank,
Perperiyankuppam, Panrutti Taluk,
Cuddalore District.

+1cc to M/s.D.S.Thirunavalavan, Advocate Sr.No.66380

W.P.No.28400 of 2019
and
W.M.P.No.28085 of 2019

PMK(CO)
RVM(07/02/2022)