



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15243 of 2021

and

W.M.P. (MD) .No.12163 of 2021

WEB COPY

Paulchamy

... Petitioner

Vs.

The Manager,
Canara Bank,
Usilampatti Branch,
Madurai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to defreeze the petitioner's salary account No.1022101024994 and permit the petitioner to operate his account by considering his representation dated 20.07.2021.

For Petitioner : Mr.R.Gandhi

For Respondent : Mr.Pethurajesh

ORDER

The petitioner seeks the defreezing of his salary Account No.1022101024994 on the basis of his representation dated 20.07.2021.

2. The petitioner had availed of an educational loan from the respondent in connection with the education of his children. Upon default in discharging such loan, the bank initiated action to freeze the bank account. In paragraph five (5) of the affidavit, it is stated that such action was taken in January 2021. Therefore, the petitioner submitted a representation dated 20.07.2021 and has approached this Court in view of the non consideration thereof.

3. Mr.Pethurajesh, learned Standing Counsel, accepts notice on behalf of the respondent.

4. Ordinarily, in judicial review, this Court does not interfere with loan transactions between a borrower and lender. Such transactions are dependent on the terms and conditions of the relevant loan agreement. Besides, it typically involves disputed questions of fact with regard to the amounts due and payable by such borrower. Consequently, it is neither convenient nor appropriate to decide such matters on the basis of affidavit evidence.



5. For the reasons set out above, W.P.(MD).No15243 of 2021 is dismissed without any order as to costs. However, it is open to the petitioner to avail of remedies before an appropriate civil court or to enter into negotiations with the bank with regard to the discharge of the relevant loan amount. Consequently, connected W.M.P.(MD).No.12161 of 2021 is closed. There will be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Manager,
Canara Bank,
Usilampatti Branch,
Madurai District.

+1 CC to M/s.P.PETHU RAJESH, Advocate (SR-27591[F]
dated 27/08/2021)

+1 CC to M/s.R.GANDHI, Advocate (SR-27595[F]
dated 27/08/2021)

W.P(MD)No.15243 of 2021
and

W.M.P.(MD).No.12163 of 2021
27.08.2021

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