IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18716 of 2020

K.Murugavel ... Petitioner

Vs.

1. The chief Manager,
IndusInd Bank Ltd.,
Consumer Finance Division,
Old No.115 and 116
New No.34, GN Chetty Road,
T.Nagar, Chennai-17.

2. The Branch Manager,
IndusInd Bank,
31/1, S.R.T.Complex,
First Floor, Venkatesa Colony,
Near Iyyappan Kovil,
Pollachi,
Coimbatore District. ...Respondents

Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the respondents to receive the loan amount under Loan Account No.TKP00656D and to issue necessary NOC, receipt of the said closure to the petitioner on the basis of the representation dated 27.10.2020 sent by the petitioner to the first respondent within the time fixed.

For Petitioner : Mr.C.Veera Raghavan
For Respondents : Mr.Meera Gunasekar

O R D E R

This writ petition has been filed for a direction to the respondents to receive the loan amount under Loan Account No.TKP00656D and to issue necessary NOC, receipt of the said closure to the petitioner on the basis of the representation dated 27.10.2020 sent by the petitioner to the first respondent.

2. According to the petitioner, he availed a vehicle loan from the second respondent Bank for a sum of Rs.27,00,000/- during the year 2017. The loan amount has to be repaid by way of 72 equal monthly instalments, and the monthly instalment amount is fixed as Rs.55,500/-. During the year 2020, the petitioner approached the bank and decided to settle

the entire dues. The second respondent is ready to receive the money due, but they refused to issue a no due certificate /no objection certificate in respect of the vehicle hypothecated, as the petitioner was stood as guarantor in one of the loan accounts. Accordingly, the first respondent sent a communication dated 17.09.2020 calling upon the petitioner to pay the dues. Due to non-issuance of the no due / no objection certificate, the petitioner has not paid the loan amount as agreed. In view of that, the petitioner made a representation to the first respondent dated 27.10.2020 to receive the loan amount due as one time settlement and to issue a proper receipt of closure of the loan account. However, since there is inaction on the part of the respondents, which compelled the petitioner to file this present writ petition.

3. The learned counsel for the petitioner submitted that this Court may permit the petitioner to pay the entire loan amount to the respondent bank and direct the respondents to issue no due /no objection certificate in respect of the petitioner's loan account within the stipulated time as fixed by this Court.

4. The learned Standing counsel appearing on behalf of the respondents submitted that the respondent Bank is a private Bank and admittedly, the petitioner is a borrower in the said Bank and he is also a guarantor in one of the loan accounts, which was borrowed by one Petchiammal and the said Petchiammal was not paying the loan regularly. Since the petitioner is being guarantor in another loan amount as stated above. Therefore, the prayer in the writ petition is not maintainable and the same is liable to be dismissed.

5. Heard the learned counsel appearing on behalf of the petitioner and the learned Standing Counsel appearing on behalf of the respondents. Perused the materials available on record.

6. It is seen from the records that the petitioner has borrowed loan from the respondents Bank for a sum of Rs.27,00,000/- and bought the vehicle viz., Ashok Lay Land Lorry bearing Registration No.TN 41 AS 2781. When he came forward to pay the entire dues to the respondents Bank, the respondents bank rejected the claim of the petitioner and refused to give no due/no objection certificate to him in view of the fact that the petitioner is also a guarantor in the another loan account.

7.Taking into consideration of the facts and circumstances of the case and also the fact that the petitioner is ready and willing to pay the entire amount in respect of the loan Account No.TKP00656D, there shall be a direction to the petitioner to pay the entire loan amount to the respondents Bank within a period of two(2) weeks from the date of receipt of a copy of this order. After receipt of the entire loan amount, the respondents Bank shall issue no due/no objection certificate to the petitioner in respect of the said loan, which was taken by him, from one week, thereafter.

8.With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

rli

To

1. The chief Manager,
IndusInd Bank Ltd.,
Consumer Finance Division,
Old No.115 and 116
New No.34, GN Chetty Road,
T.Nagar, Chennai-17.

2. The Branch Manager,
IndusInd Bank,
31/1, S.R.T.Complex,
First Floor, Venkatesa Colony,
Near Iyyappan Kovil,
Pollachi,
Coimbatore District.

+1cc to Mr.C.Veeraraghavan, Advocate, S.R.No. 1022
+1cc to Mr.Meera Gunasekar, Advocate, S.R.No. 1494

W.P.No.18716 of 2020

AD(CO)
GN(01/02/2022)