



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.2435 of 2022

K.Vinayaga

... Petitioner

Vs.

The Branch Manager,
Bank of India,
Periyakottai Branch,
Periyakottai Village & Post,
Sivagangai Taluk,
Sivagangai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to withdraw the mortgage deed executed by the petitioner's father dated 14.03.1995 in the name of the respondent as Document No.552/1995 and handover the same to the petitioner as per the representation of the petitioner dated 13.11.2021.

For Petitioner	: Mr.K.C.Ramalingam
For Respondent	: Mr.Pala Ramasamy
	Standing Counsel

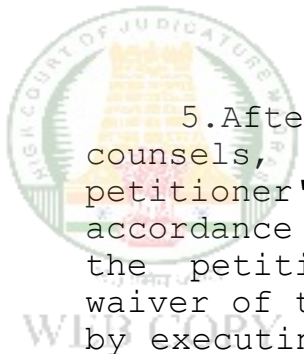
O R D E R

This writ petition has been filed seeking for a direction to the respondent to consider the petitioner's representation dated 13.11.2021.

2.According to the petitioner, he is entitled for waiver of loan, pursuant to a Government Scheme. But despite the same, the respondent has refused to discharge the mortgage deed executed by the petitioner's father dated 14.03.1995 in the name of the respondent. In such circumstances, he has given the aforementioned representation. Since the said representation has not been considered till date, this writ petition has been filed.

3.Heard Mr.K.C.Ramalingam, learned counsel for the petitioner and Mr.Pala Ramasamy, who accepts notice on behalf of the respondent.

4.On instructions, learned Standing Counsel for the respondent would submit that the petitioner is not entitled for the loan waiver. Further, he would submit that the respondent is willing to consider the petitioner's representation dated 13.11.2021, on merits and in accordance with law.



5.After hearing the submissions made by the respective counsels, no prejudice would be caused to the respondent if the petitioner's representation is considered on merits and in accordance with law. This Court directs the respondent to consider the petitioner's representation, dated 13.11.2021, seeking for waiver of the loan availed by the petitioner's father, on 14.03.1995 by executing a mortgage deed, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity to the petitioner including granting him one personal hearing.

6.With the aforesaid direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The Branch Manager,
Bank of India,
Periyakottai Branch,
Periyakottai Village & Post,
Sivagangai Taluk,
Sivagangai District.

+1 CC to M/s.K.C.RAMALINGAM, Advocate (SR-4648[F]
dated 08/02/2022)

ORDER MADE IN
W.P. [MD]No.2435 of 2022
07.02.2022

SK(CO)
GC(22.02.2022) 2P 3C