



W.P(MD)No.4543 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4543 of 2021

Balaganapathy

... Petitioner

Vs.

1.The Joint Registrar/Managing Director,
Ramanathapuram District Central
Co-operative Bank Ltd.,
265/E, Vandikara Street,
Ramanthapuram.

2.The Branch Manager,
Ramanathapuram District Central
Co-operative Bank Ltd.,
Sayalkudi Branch,
Sayalkudi,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to return the petitioner all his documents submitted for availing loan in the light of his representation dated 12.02.2021 on the file of the respondents.



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For Petitioner : Mr.R.Venkateswaran

For Respondents : Mr.D.Shanmugaraja Sethupathy

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ORDER

Heard the learned counsel on either side.

2.The petitioner approached the respondent bank for availing loan. He submitted the petition mentioned documents as collateral security. It appears that the petitioner's father was the president of a primary co-operative society and that surcharge proceedings had already been taken against him. Keeping that in mind, the respondents not only did not sanction the loan but also retained the original documents submitted by the petitioner herein. Seeking their return, this writ petition has been filed.

3.The learned standing counsel for the respondents pointed out that the petitioner's father is a judgment debtor in the eyes of the respondent bank. Be that as it may, while the respondents can proceed against the petitioner's father in the manner known of law, retention of the document that were innocently submitted by the petitioner cannot be justified. The respondents are directed to return the original documents taken from the petitioner forthwith and without any delay.



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4.The writ petition is allowed accordingly. No costs.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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