



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2022

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.20608 of 2021

and

W.M.P. (MD) .Nos.17245 and 17246 of 2021

WEB COPY

T.Prem

... Petitioner

Vs.

1.The Managing Director,
Canara Bank,
Head Office No.112,
J.C.Road,
Bangalore - 560002,
Karnataka State.

2.The Divisional Manager,
Canara Bank,
Perumalpuram,
Tirunelveli District.

3.The Branch Manager,
Canara Bank,
Kalluvilai,
Mulagumoodu Post,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to permit the petitioner to operate the account maintained by the petitioner with the third respondent bank bearing account number 61831400001022 by considering the representation of the petitioner dated 18.09.2021 to enable the petitioner to carry out his business.

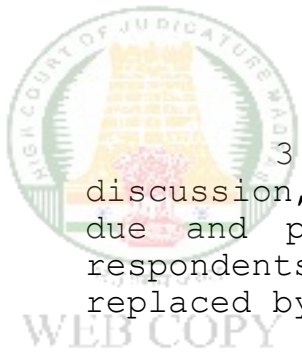
For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.N.Dilip Kumar,
Standing Counsel.

ORDER

Mr.N.Dilip Kumar, learned Standing Counsel, takes notice for the respondents.

2. Let me not keep the Writ Petition pending any further on the board of this Court. The petitioner, was originally doing iron and steel business. He obtained cash credit loan from the respondents. He, thereafter, shifted to cashew nut business. Naturally the respondents were quite worried. In the meanwhile, there were dues which accumulated.



3. I will refrain from entering into any further discussion, but limit to stating that the petitioner is, as on date, due and payable to the respondents and the stocks, which the respondents thought were iron and steel, have vanished and have been replaced by cashew nuts.

4. But, at any rate, in view of the representations made across the Bar, the Writ Petition is disposed of, giving liberty to the petitioner to give a fresh representation, regarding the nature of his business which he alone knows and requesting the Bank to consider proposals for either re-assessment of the loan or with respect to the loan, which facts, the petitioner and the respondents both know. If such a representation is given, I am confident that the second respondent / the Divisional Manager, Canara Bank, Perumalpuram, Tirunelveli District will consider it in its true letter and spirit. It is also stressed by Mr.S.C.Herold Singh, learned counsel for the petitioner that the petitioner had made payments even after filing the Writ Petition.

5. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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 Divisional Manager,
Canara Bank,
Perumalpuram,
Tirunelveli District.

+1 CC to M/s.S.C.HEROLDSINGH, Advocate (SR-901[F] dated 10/01/2022)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-1047[F] dated 10/01/2022)

W.P. (MD) .No.20608 of 2021

07.01.2022

RD(31.01.2022) 2P 4C

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