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W.P.No.17735 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **08.02.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.17735 of 2022

V.Rokesh

... Petitioner

versus

1 The Regional Manager
Indian Overseas Bank
Zonal Office No.763
Anna Salai, Chennai-02.

2 The Branch Manager
Indian Overseas Bank
Jamin Street, Chunampet
Kancheepuram-603 401.

3 Vel Tech
Rangarajan Dr.Sagunthala
R & D Institute of Science and Technology
No.42 Avadi-Vel Tech Road Vel Nagar
Avadi Chennai-62

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus directing the 1st and 2nd respondents to accept petitioner's application and sanction Educational Loan of Rs.8,82,800/- to the petitioner towards the fees which is required by the 3rd respondent bonafide Certificate dated 05.04.2022.



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For the Petitioner : Mr.M.Manikandhan
For the Respondents : Mr.K.Bala Ganesh,
for the second respondent
Mr.S.Thankasivan,
for the third respondent
No appearance for the first respondent

ORDER

The writ petition has been filed in the nature of a mandamus seeking a direction to the first and second respondents particularly the second respondent/Branch Manager, Indian Overseas Bank at Chunampet at Kancheepuaram to accept the application given by the petitioner and to sanction educational loan.

2. This Court at the outset must state that the Court cannot thrust a particular customer on any bank. The court cannot give any direction to any bank that a particular loan must be sanctioned. It all depends on the rules and regulations of the bank and compliance of the same by the customer.



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3. In this case, the petitioner seeks loan consequent to education being pursued in the third respondent institute. If the petitioner wants an educational loan, I am confident that if he complies with the rules and regulations there would be no reason for the second respondent to deny the same. The second respondent has their responsibility also since they deal with public money. They will have to ensure, that the loan which is advanced, is repaid in due course or whenever it has to be repaid. For that purpose if the loan is more than Rs. 7.50/- lakhs, then consent of both the parents and collateral security is required. It all depends on the quantum of loan which the petitioner seeks. In accordance with the quantum of loan, the rules and regulations vary and the petitioner is under an obligation to comply with the rules and regulations. If he does not then, he would run the risk of the application being rejected.

4. In the first place, the petitioner should make an application through online. Sending an application through registered post and coming before this Court seeking a mandamus cannot be appreciated. The petitioner is therefore directed to approach the second respondent on any date and thereafter the second respondent may give necessary



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direction as to how the loan is to be applied and the rules which the petitioner will have to comply with and satisfy. It is a pure contract or an agreement between the petitioner and the second respondent. I would leave it to their wisdom to ensure that they enter into such an agreement with consensus at idem. The interference of the court is not required.

5. The petitioner has to approach the second respondent and act in accordance with the directions given by the second respondent. If the petitioner satisfies all the conditions, I am confident that without any order being issued the second respondent would grant the educational loan.

6. The writ petition stands disposed of. No costs. Consequently, WMP No.17013 of 2022 is closed.

08.02.2023

Index: Yes/no
mrn



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To

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C.V.KARTHIKEYAN, J.
(mrn)

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