



WEB COPY



W.P.No.35199 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.35199 of 2022

1. Saraswathi

2. Lakshmi Pathi Raj B

.. Petitioners

Vs.

Bank of India
Rep. by its Assistant General Manager-
cum-Power Agent
Gandhipuram Branch
No.41/46, Ground Floor
DBMS Arakattalai Building Complex
7th Street, Tatabad
Coimbatore 641 012.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondent to accept the entire loan consideration to the tune of Rs.7,73,45,566.40 with interest and other charges from the petitioners herein within a period of three months or any time limit as fixed by this Court and close the loan accounts bearing Nos.817630110000087,



W.P.No.35199 of 2022

817665710000004, 817670410000119 and further direct the respondent to hand over possession of the properties given as collateral security to the petitioners herein and declare the same as encumbrance free.

For the Petitioners : Ms.R.P.Rangeela
For Mr.M.Harish Kumar

For the Respondent : Mr.F.B.Benjamin George

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

The petitioners seek a direction to the respondent to accept the entire loan consideration, with interest and other charges, within a period of three months, to close the loan accounts and to hand over possession of the properties given as collateral security on the ground that the respondent Bank has refused to receive the repayment of loan.

2. Mr.F.B.Benjamin George, learned counsel appearing for the respondent Bank, submitted that if any borrower or guarantor is willing



W.P.No.35199 of 2022

to repay the entire loan amount, no Bank will hesitate to receive the same. The petitioners, without approaching the respondent Bank, cannot state that the respondent Bank has refused to receive the repayment of entire loan amount.

3. Indisputably, no Bank will hesitate to receive the repayment of entire loan amount. Thus, the allegation of the petitioners that the respondent Bank has refused to receive the repayment of entire loan amount, without approaching the respondent Bank, is untenable and unsustainable. Finding no merit, this writ petition is dismissed. However, the petitioners are at liberty to approach the respondent Bank for repayment of loan amount. There will be no order as to costs. Consequently, WMP Nos.34667 and 34668 of 2022 are also dismissed.

(T.R., ACJ.) (D.B.C., J.)
03.01.2023

Index : Yes/No

kpl



W.P.No.35199 of 2022

To:

WEB COPY

Assistant General Manager-cum-Power Agent
Bank of India
Gandhipuram Branch
No.41/46, Ground Floor
DBMS Arakattalai Building Complex
7th Street, Tatabad
Coimbatore 641 012.



WEB COPY



W.P.No.35199 of 2022

T.RAJA, ACJ.
AND
D.BHARATHA CHAKRAVARTHY, J.

(kpl)

W.P.No.35199 of 2022

03.01.2023