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W.P.No.19449 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19449 of 2017 and

W.M.P.No.20974 of 2017

A.R.Thirumavalavan

.. Petitioner

vs

1. The Assistant General Manager
Indian Overseas Bank
Central Office Building (Annex)
763, Anna Salai
Chennai – 600 002.

2. The Chief Regional Manager
Indian Overseas Bank
No.7/54, II Floor
Ideal Garden Complex
Junction Road, Near Five Road
Salem – 636 004.

3. The Branch Manager
Indian Overseas Bank
A.L.C.Campus
Vridhachalam Road
Ulundurpet
Villupuram District – 606 107.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus, forbearing the respondents from deducting any



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amount from the petitioner's monthly pension credited in his savings bank account No.014501000024697 maintained with the third respondent in any manner whatsoever and to refund the amount deducted from his pension illegally by the third respondent Bank.

For the Petitioner : Mr.Manohar
for Mr.T.Gandhi

For the Respondents : No Appearance
for respondent 1

Mrs.Sheela Venkatesh
for respondents 2 and 3

ORDER

The relief sought for in the present writ petition is to forbear the respondents from deducting any amount from the petitioner's monthly pension, credited in his savings bank account No.014501000024697, maintained with the third respondent in any manner whatsoever and to refund the amount deducted from his pension illegally by the third respondent Bank.

2. Admittedly, the petitioner borrowed educational loan, which was sanctioned by the respondent Indian Overseas Bank for assisting the



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education of the daughter of the petitioner. The petitioner was a defaulter and had not repaid the installments as per the terms and agreements. Thus, recovery proceedings were initiated and the dues were proposed to be collected from the savings account of the petitioner, which stands in the name of the petitioner as well as his daughter. It is a joint account and the pension amount of the petitioner is also being collected in the said account. On the said ground, the petitioner moved the present writ petition stating that the pension amount cannot be dedicated to adjust the loan dues by the Bank.

3. There is no complete power for deduction of pension amount to realize the dues and in the present case, the learned counsel appearing on behalf of the respondents made a submission that the writ petitioner / borrower agreed to settle the amount and the bank also agreed to consider the case for further deduction of the loan amount. The learned counsel for the respondents has stated that under the scheme, the Chief Manager is empowered to waive the borrowings of the loan amount



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by exercising his discretion with effect from April, 2023. This scheme was explained to the petitioner, who in turn agreed to settle the amount and accordingly, both the petitioner and the respondent accepted to go back for settlement on 20.04.2023. In this regard, the respondents 2 and 3 filed a memo on 13.03.2023, which reads as under:

“1. The above case the petitioner / borrower has approached the bank for out of Court settlement and the petitioner / borrower has accepted to come back for settlement on 20.04.2023. The bank has also accepted for the same.

2. As agreed by the petitioner / borrower if he pays the amount. The loan amount may be closed otherwise the bank is at liberty to proceed further for recovery of the same.”

4. In view of the said memo, the parties are at liberty to settle the issues mutually and in the event of failure of any of the parties to settle the matter, they are at liberty to pursue the matter in accordance with law.

5. With these directions, the writ petition is disposed of. There will be



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no order as to costs.

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Index : Yes/No
Neutral Order: Yes/No
drm

16.03.2023

To:

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S.M.SUBRAMANIAM,J.

(drm)

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