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W.P.(MD)NO.20693 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.20693 of 2015 AND
M.P.(MD)No.1 of 2015

Saratha

... Petitioner

Vs.

1. The State Bank of India,
Through its Branch Manager,
Ramanathapuram Branch,
Ramanathapuram – 623 501.

2. The District Collector,
Ramanathapuram District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to refrain from proceeding against the petition-mentioned house property belonging to the petitioner for the loan granted to one Rani Thamilendhi and Muruganantham and Ezhilmannan who stood in as a Guarantor died on 24.05.2010 thus the guarantee is terminated with his death.

For Petitioner : Mr.B.A.Muruganantham

For R-1 : Mr.N.Dilipkumar

For R-2 : Mr.S.Shanmugavel,
Additional Government Pleader.

* * *

**ORDER**

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Heard the learned counsel on either side.

2. According to the first respondent, the petitioner's husband Ezhil Mannan had guaranteed the loan transaction. He passed away on 24.05.2010. The bank proposed to initiate action against the property left behind by Ezhil Mannan. Contending that the entire transaction is vitiated by fraud and that her husband never guaranteed any loan transaction, the present writ petition came to be filed.

3. It is not for the writ Court to enter into such factual controversies. This Court cannot render any finding that the petitioner's husband did not guarantee any loan transaction. The issue has to be resolved elsewhere. The writ petition is clearly not maintainable. Granting liberty to the petitioner to work out her rights in the manner known to law, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

11.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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W.P.(MD)NO.20693 OF 2015

To:

The District Collector,
Ramanathapuram District.



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W.P.(MD)NO.20693 OF 2015

G.R.SWAMINATHAN,J.

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