

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED: 18.08.2023**CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.22681 of 2015**

D.Senthil Kumar

... Petitioner

Vs.

1. The Assistant Elementary Educational Officer,
Thirupananthal, Thanjavur District.
2. The Secretary,
Nathan Aided Primary School,
Vannikudi – 609 807,
Thirupananthal,
Thanjavur.
3. The Branch Manager,
State Bank of India,
Thirupananthal Branch,
Thirupananthal Village,
Thiruvidaimarudur Taluk,
Thanjavur District – 612 504.
4. The Branch Manager,
State Bank of India,
Thiruvidaimarudur Taluk,
Thiruvidaimarudur Taluk,
Thanjavur District – 612 504.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the third respondent to return back the petitioner's money of Rs.1,27,221/- taken by the third respondent from the petitioner's SB account No.20043870758 on 10.12.2015.



For Petitioner : Mr.S.Sivaprakash
For R-3 & R-4 : Mr.Ananth C.Rajesh
For R-1 : Mr.N.Satheesh Kumar,
Additional Government Pleader.
For R-2 : No appearance.

* * *

ORDER

Heard the learned counsel on either side.

2. The writ petitioner was employed as Headmaster in an aided primary school. He had availed loan from SBI. He had committed default. The bank had appropriated a sum of Rs.1,27,221/- from the petitioner's SB account maintained in some other branch. The same is questioned in this writ petition.

3. The petitioner now wants the bank to return the said amount. The learned counsel appearing for the petitioner reiterated all the contentions set out in affidavit filed in support of the writ petition.



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4. I am not persuaded by the said submissions.

Admittedly, the petitioner is a borrower. There has been default. The bank is entitled to exercise its power under Section 171 of the Indian Contract Act. The act of the bank cannot be faulted. This writ petition stands dismissed. No costs.

18.08.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU

To:

The Assistant Elementary Educational Officer,
Thirupananthal, Thanjavur District.



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G.R.SWAMINATHAN,J.

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