



W.P(MD)No.5319 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5319 of 2015

and

M.P(MD)No.1 of 2015

K.Sethuraman

... Petitioner

Vs

1.The Regional Manager,
Regional Office,
State Bank of India (Main Branch),
Rajamirasthar Hospital Road,
Thanjavur – 1.

2.The Branch Manager,
State Bank of India,
Mannarkudi Town and Taluk,
Thiruvaroor District.

3.The Branch Manager,
State Bank of India,
Ammapettai Branch,
Thanjavur District,
Thanjavur.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent bank to refund the petitioner's pension amount of Rs.15,689/- and Rs.21,689/- that he has recovered from his pension amounts which were credited into his account, no.10991116252 for the month of February 2015 and for the month of March 2015 respectively.

For Petitioner : Ms.Tamilselvi

For Respondents : Mr.Ananth.C.Rajesh
Standing Counsel

ORDER

Heard both sides.

2. The learned Standing Counsel appearing for the Bank firmly stated that if the petitioner approaches the third respondent, the issue can be resolved.

3. It is seen that the petitioner had availed Tractor loan from the Bank. He appears to have committed default. The third respondent therefore attached the petitioner's pension account. The third respondent can proceed against the petitioner for recovery of the agricultural loan. The petitioner had created a simple mortgage and it can definitely be enforced. The pension account however cannot be attached. The third respondent will proceed against the petitioner for recovery of the agricultural loan in the manner known to law.



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4. This Court directs the third respondent to release the petitioner's pension account from any kind of attachment. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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G.R.SWAMINATHAN, J.

MGA

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