



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.1184 of 2024

and

W.M.P.No.1239 of 2024

P.Sreejith

... Petitioner

Vs.

1.The Branch Manager,
Canara Bank,
Ayanavaram Branch,
Chennai – 600 023.

2.The Branch Manager,
Canara Bank,
George Town Branch,
Audiappa Naicken Street,
George Town,
Chennai – 600 001.

3.The Regional Manager,
Canara Bank Circle Office,
MIPD & PP Section,
PB 1078, No.563/1,
Anna Salai,
Teynampet,
Chennai – 600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for



issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 24.11.2023 and directing the 1st and 2nd respondents to defreeze the petitioner's account A/c No.60182010046740 and permit the petitioner to use the said account.

For Petitioner : Mr.A.Velmurugan

For Respondents : Mr.H.Mohammed Hussain

ORDER

The relief sought for in the present writ petition is to direct the respondents to consider the petitioner's representation dated 24.11.2023 and directing the respondents 1 and 2 to defreeze the petitioner's account A/c No.60182010046740 and permit the petitioner to use the said account.

2. It is not in dispute that the petitioner stood as co-obligant cum guarantor for the loan liability to one Mr.P.Lawrenec (deceased). To settle the dues under the OTS Scheme, the Bank provided an opportunity. But the petitioner has not availed the opportunity and settled the dues under the OTS Scheme. Therefore, a civil suit has been instituted in O.S.No.5609 of 2023 on the file of the II Assistant City Civil Court, Chennai for recovery of money. The said suit is pending. While so the writ petition is not entertainable.



3. The petitioner being a guarantor is at liberty to approach the Civil Court in the pending suit for redressal of grievances, if any exist. Contrarily, the High Court in the event of defreezing the account, would cause prejudice to the interest of the Bank. Since the petitioner admittedly stood as guarantor for the loan liability of Late Mr.P.Lawrance, the petitioner is at liberty to work out his grievances before the Civil Court of Law.

4. With this liberty, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

26.04.2024

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking order



To

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S.M.SUBRAMANIAM, J.

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