



WEB COPY



W.P.No.14741 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.14741 of 2021
and
W.M.P.No. 15640 of 2021

D.Selvaraju

Vs

....

Petitioner

1. The Branch Manager,
Canara Bank,
No.541/108, Hospital Road,
Ethraj Nagar,
Ariyalur & District – 621 704.

2. The Regional Manager,
Canara Bank, No.1, Muthiah Towers,
Royal Road, Trichy.

3. Veeramuthu

....

Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents to defreeze the salary account of the petitioner (A/c.No.2627101006754) by the first respondent from the month of September 2020 onwards, quash the same and direct the first respondent to release the salary amount credited in to the education loan account of Mr.Veerakumar, died from the salary account of the petitioner.

For Petitioner : Mr.R.Sivaraman



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For Respondents : No appearance

ORDER

This writ petition has been filed for a direction directing the respondents 1 and 2 to defreeze the salary account of the petitioner which is lying on the file of the first respondent.

2. Heard the learned counsel appearing for the petitioner.

Though notice has been served on the first and second respondents and their names are printed in the cause list, none appeared either in person or through pleader.

3. The petitioner had opened a savings bank account in the first respondent and used as his salary account. His salary was credited through the said account. The petitioner was working as a Conductor and the third respondent is working as a Driver. When the third respondent's son applied for educational loan to the tune of Rs.1,78,345/- to pursue his BE Degree during the year 2005, the petitioner stood as surety. Thereafter, till the year 2013, the son of the third respondent had paid only a sum of Rs.50,000/- towards part repayment of the loan. Unfortunately, on 13.05.2014, the son of the third respondent died due to electrocution. Therefore, the third respondent failed to repay the loan amount. Instead of taking action as against the third respondent, the first



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respondent, that too without any notice or enquiry, all of a sudden, defrozeed the petitioner's account, since he stood as a surety for the loan availed by the son of the third respondent. Immediately, the petitioner approached the first respondent bank and he was not replied properly by the first respondent. The petitioner was not permitted to operate his account and he was not permitted to receive his salary. Therefore, the petitioner lodged a complaint before the District Legal Services Authority in Compliant No.111 of 2020 as against the first respondent.

4. In the meanwhile, as the petitioner was in urgent need of money for his wife's medical expenses, he approached the first respondent. The first respondent retained a sum of Rs.1,20,000/- and the remaining amount was paid to the petitioner. Thereafter, the petitioner submitted a representation to defreeze the account by the first respondent. Pending writ petition, the first respondent initiated the proceedings before the Lok Adalat in Lok Adalat Case No.8 of 2021 and settled the entire amount by the third respondent.

5. Admittedly, the first respondent had freezed the account of the petitioner without any notice and without any information to the petitioner. Further, there is no Court order to freeze the account of the petitioner and also there is no order to attach the amount lying in the



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account of the petitioner. Therefore, the first respondent cannot act upon the surety stood by the petitioner directly without any order from a Court of law. That apart, now the matter has been settled before the Lok Adalat and the entire amount has been repaid by the third respondent.

6. In view of the above, the first respondent is directed to defreeze the salary account of the petitioner in Account No.2627101006754 and release the salary amount, which was already credited into the loan account of the son of the third respondent, forthwith.

7. With the above direction, this writ petition stands allowed. Consequently, connected miscellaneous petition is closed. No costs.

04.06.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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To



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