IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.21630 of 2021

A.Ramanathan ... Petitioner

Vs.

1. The Canara Bank
Rep. By its Senior Manager,
Regional Office, Chennai-1,
Credit Review Monitory and Recovery Section,
8th Floor, 524, Anna Salai,
Teynampet, Chennai-18.

2. Canara Bank,
Rep. By its Chief Manager,
Ashok Nagar Branch,
Chennai-83. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to stop deducting the monthly EMIs for the educational loan disbursed to the petitioner's son in loan Account No.0975651007739 in the petitioner's pension and also direct the respondents to refund the entire amount so far collected from the petitioner, after the order/decree passed by the Lok-adalat in Lok-Adalat case No.349 of 2018 dated 28.06.2018.

For Petitioner	:	Mr.R.Balachandran
For Respondents	:	Mr.Ragunathan for M/s.T.S. Gopal & Co. RR1 & 2

ORDER

The Writ petition has been filed seeking a directing to the respondents to stop deducting the monthly EMIs for the educational loan disbursed to the petitioner's son in loan Account No.0975651007739 in the petitioner's pension and also direct the respondents to refund the entire amount so far collected from the petitioner, after the order/decree passed by the Lok-adalat in Lok-Adalat case No.349 of 2018 dated 28.06.2018.

2. It is the case of the petitioner that he was working in Canara Bank and he was sanctioned with an educational loan of Rs.2,51,000/ on 23.10.2018 for his son. As there was default in repayments, the Bank referred it to the lok adalat for settlement. The Lok Adalat, upon hearing both sides, passed orders on 28.06.2018 directing the petitioners to pay Rs.50,000/- as final settlement. The bank had also agreed for the said settlement. Accordingly, the petitioner has paid entire amount on

30.06.2018. The respondents are continuously deducting the money from the pension account of the petitioner towards of loan repayment, even after the full settlement was arrived at as per the orders of the Lok Adalat as early as in the year 2018. Hence, the petitioner filed the present petition seeking appropriate remedy.

3. The learned counsel for the petitioner submitted that immediately after the lok adalath award, the petitioner has made an objection to the respondent for not to deduct any amount from the petitioner's account. Without considering the same, the respondents have deducted the amount from his account, which is not sustainable.

4. The learned Standing Counsel appearing for the respondents fairly submitted that the total loan due is Rs.2,63,240/-, inadvertently, the respondent Bank accepted to receive a sum of Rs.50,000/- before the Lok Adalat. Inadvertently, the respondents have not filed appeal challenging the lok adalat award. However, the petitioner is not an eligible person for deducting such amount under the educational scheme. Hence, this Court

may dismiss the writ petition.

5. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents and perused the materials available on record.

6. The facts of the case are not in dispute. Admittedly, the petitioner had obtained educational loan for his son while he was in service with the first respondent. At the time of retirement, the total due is Rs.2,60,640/- Subsequently, the petitioner and the respondents have entered into settle the issue before Lok Adalath. As per the award, the petitioner has settled entire loan amount on 28.02.2018 and the respondents have also agreed to accept the amount from the petitioner. Such being the position, the respondents have no right to recover the amount from the petitioner.

7. In such view of the matter, the respondents are directed not to recover any amount from the petitioner hereafter and also directed to deposit the entire pension amount which was already recovered from the date of

award dated 28.06.2018 to the petitioner account within a period of four weeks from the date of receipt of a copy of this order.

8. With the above directions, the writ petition is disposed of. No costs.

23**.08.2024**

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To:

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M.DHANDAPANI, J.

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