



WEB COPY



W.P.No.32383 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.32383 of 2024
and
WMP.Nos.35160 & 35163 of 2024

K.Poovizhi

...Petitioner

Vs.

1. The Chairman,
Indian Overseas Bank,
No.763, Anna Salai, Chennai-600 002.
2. The Branch Manager,
Indian Overseas Bank,
Vadamugam Vellode Branch, Erode.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in connection with notice dated 18.09.2024 and quash the same and consequently direct the 2nd respondent to waive the interest in respect of the educational loan obtained by the petitioner based on the petitioner's representation dated 04.02.2024.

For Petitioner : Mr.M.Selvam



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ORDER

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The petitioner has filed this Writ petition seeking quashment of the notice dated 18.09.2024 issued by the 2nd respondent and to consequently direct the 2nd respondent to waive the interest in respect of the educational loan obtained by the petitioner, by considering the petitioner's representation dated 04.02.2024.

2. Since no adverse order is being passed against the respondents, notice to the respondents is dispensed with.

3. The case of the petitioner is that, she availed education loan to the tune of Rs.2,06,400/- in the year 2014 from the 2nd respondent bank and the same was sanctioned in her favour by way of four installments and the petitioner completed her B.Pharm in the year 2018 and she completed her PG course in M.Pharm in the year 2021. Even though the repayment of student loan starts one year after completion of the course or six months after securing employment, as per the RBI Guidelines, however, the petitioner's father was forced to pay interest for the above said education loan from the year 2015 itself and till date, the petitioner's father paid 120 EMIs. Further,

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though, the petitioner approached the 2nd respondent by way of making a representation dated 04.02.2024, seeking for One time settlement of the entire loan amount, the same was not considered by the 2nd respondent bank. In such circumstances, the 2nd respondent, vide impugned notice dated 18.09.2024, classified the petitioner's bank account bearing No.134703951400026 as NPA and directed the petitioner to pay the entire due amount of Rs.2,97,031.46/- on or before 31.08.224. Thereafter, on 01.10.2024, all of a sudden, without any prior notice, the 2nd respondent bank had deducted a sum of Rs.2,90,601/- from the bank account of the petitioner's father bearing No.083401000016384, without taking into consideration the amount paid by the petitioner's father by way of 120 EMIs towards the education loan obtained by the petitioner. Challenging the same, the petitioner has come up with this writ petition.

4. Heard learned counsel for the petitioner and perused the materials available on record.

5. Though very many grounds have been raised by the learned counsel for the petitioner against the impugned letter/notice dated 18.09.2024 issued



by the 2nd respondent, a perusal of the materials available on record reveals that, as the petitioner defaulted in repayment of the education loan availed by her in the year 2014, the petitioner's bank account bearing No.134703951400026 was classified as NPA and subsequently, the bank account of the petitioner's father was attached for recovery of the amount due, in which the petitioner is not an aggrieved person.

6. If at all the petitioner or her father wanted to avail the benefit of One time settlement, they should have approached the 2nd respondent bank before committing any default in repayment of the loan, which was not done so either by the petitioner or by her father and even after the issuance of the present impugned notice, instead of taking necessary steps to repay the education loan within the time prescribed by the respondent bank, the petitioner had come up with the present Writ petition, which is wholly unsustainable and this Court is not inclined to issue any affirmative direction in favour of the petitioner.

7. Accordingly, this Writ petition stands dismissed with a liberty to the petitioner and her father to workout their remedy in the manner known to law



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in respect of One time settlement. No costs. Consequently, the connected
Miscellaneous petitions are closed.

29.10.2024

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NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

To:

1. The Chairman,
Indian Overseas Bank,
No.763, Anna Salai, Chennai-600 002.
2. The Branch Manager,
Indian Overseas Bank,
Vadamugam Vellode Branch, Erode.

M.DHANDAPANI, J.

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