



W.P.(MD) No.15669 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

**W.P.(MD) No.15669 of 2018
and
W.M.P.(MD) No.14061 of 2018**

V.Malaichamy

... Petitioner

/vs./

1.The Branch Manager,
Tamil Nadu Industrial Co-operative Bank Ltd.,
Karaikudi Branch,
Sivagangai District.

2.The Branch Manager,
Canara Bank,
Main Road,
Manamadurai,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from appropriating any money from the petitioner's monthly pension in the petitioner's saving Bank Account No.0958101054358 maintained at second respondent bank.



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For Petitioner : No appearance

For R1 : Mr.M.Mahaboob Fazil

For R2 : Mr.C.Karthik

ORDER

There is no representation on behalf of the petitioner.

2.The petitioner has filed this writ petition for a Mandamus to forbear the respondents from appropriating any money from the petitioner's monthly pension in the petitioner's saving Bank Account No.0958101054358 maintained with the second respondent bank.

3.Earlier, an interim injunction was granted by this Court on 18.07.2018. It appears that the petitioner had borrowed amounts from the first respondent Bank and had suffered an adverse award in the hands of the Arbitrator in decree/award No.1/2015-16 dated 23.06.2015.

4.Pursuant to the aforesaid award, the first respondent had initiated proceedings under Rule 122 of the Tamil Nadu Co-operative Societies Rules,



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1988, pursuant to which Form No.13 dated 25.05.2016 was issued attaching the retirement benefit and DA relief fund of the petitioner.

5.It appears that pursuant to the aforesaid attachment order, a sum of Rs. 3,000/- was being regularly deducted from the petitioner's pension account with the second respondent Bank. To that effect, the petitioner had given a consent letter on 29.06.2016, content of which has been suppressed by the petitioner in this writ petition.

6.It appears that the second respondent Bank was also recovering the amount up to a particular point of time and thereafter has stopped in view of the interim order passed by this Court on 18.07.2018.

7.Be that as it may, the petitioner is not entitled for the relief, which the petitioner seeks for in this writ petition, particularly in the light of the undertaking given by the petitioner to the second respondent Bank. Content of the letter of the petitioner dated 29.12.2016 duly acknowledged by the second respondent Bank reads as under:



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சிவாம்பாள் :-

மாண்புமிகு சாதி, SB A.C - 0958161054358.
S/o ஜெயராஜன்,
இலட்சுமி நகர் கட்டிடம்,
சென்னை-600 075.

(MAHARAJA)

1) உயிருநர் .

வினா கேள்வி எண் 100
கனம் பேரவைத் தலைவர்,
மாண்புமிகு



பொருள் :- மருத்துவ அறிவு வளம்

But,

[illegible]

डेट: 29/12/2016

കുറിപ്പ്: മനോരമയ്ക്കു

சூப்பராக்.

rV. Mbl: — 5

00400-7825414597.



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8.In view of the above, the Writ Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes / No
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C.SARAVANAN, J.

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