



WP(MD). No.24176 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 15/10/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.24176 of 2024

Karunanithi

... Petitioner

Vs

The Bank Manager,
Sbi Bank,
Orathanadu Branch,
Thanjavur District.

... Respondent

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the respondent bank to release the petitioner family monthly pension forthwith on the basis of the petitioner representation dated 12.09.2024 within a time stipulated by this Court.

For Petitioner : Mr.B.Jameelarasu,
For Respondent : Mr.S.Anwarsameem



WEB COPY



WP(MD). No.24176 of 2024

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. The writ petition has been filed for a mandamus directing the respondent bank to release the petitioner family monthly pension forthwith on the basis of the petitioner representation dated 12.09.2024 within a time stipulated by this Court.

3. The petitioner is a retired CSIF personnel. His pension was credited with the respondent bank. However, without any valid reason, the monthly pension of the petitioner has been withheld by the respondent bank. Hence, he preferred a representation to the respondent bank. Since the same has not been considered, he is before this Court.

4. The learned counsel for the respondent bank, on instructions, would submit that the petitioner availed three different loans and in respect of two loans, he is regularly paying. However, in respect of the third loan, he committed default and hence, the monthly pension has



WP(MD). No.24176 of 2024

been withheld. He would submit that the petitioner is capable of paying the loans.

5. I have considered the rival submissions and perused the materials available on record.

6. At the outset, this Court is of the view that if the petitioner commits default, the remedy open to the bank is to proceed in accordance with law. On the other hand, merely on the ground of default, his pension amount cannot be withheld. Hence, there shall be a direction to the respondent to release the pension amount forthwith.

7. At this juncture, the learned counsel for the petitioner would submit that the petitioner is willing to pay the loan amount, provided, the matter is referred to the Mediation. Accordingly, the petitioner is directed to appear before the Mediation and Conciliation Centre attached to this Court to amicably settle the issue. A responsible officer from the respondent bank and the petitioner shall appear before the mediation on 22.10.2024. In the event, if the petitioner is not cooperating for



WP(MD). No.24176 of 2024

mediation and failed to appear before the mediation, liberty is granted to the bank to proceed further for recovery of money as per law.

8. The writ petition is disposed of with the above direction. No costs

RR

15.10.2024



WEB COPY



WP(MD). No.24176 of 2024

N.SATHISH KUMAR,J

RR

**ORDER
IN
WP(MD) No.24176 of 2024**

Date : 15/10/2024