M.G. Enayathulla Vs. The General Manager, Canara Bank, Chennai and Another

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SooperKanoon Citation : sooperkanoon.com/1187639

Court : Chennai

Decided On : Oct-24-2016

Judge : R. Suresh Kumar

Appeal No. : W.P.No. 16165 of 2010

Appellant : M.G. Enayathulla

Respondent : The General Manager, Canara Bank, Chennai and Another

Judgement :

(Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to sanction the Educational loan to the petitioner's son who is studying BE (Computer Science) at C.Abdul Hakeen College of Engineering and Technology Hakeem Nagar, Melvisharam Vellore District.)

1. The prayer in the writ petitioner is for a Mandamus directing the respondents to sanction the Educational loan to the petitioner's son who is studying BE (Computer Science) at C.Abdul Hakeen College of Engineering and Technology, Hakeem Nagar, Melvisharam, Vellore District.

2. The case of the petitioner is that his son joined in BE (Computer Science) Course during the academic year 2009-2010 at C.Abdul Hakeen College of

Engineering and Technology. The college was approved by AICTE and affiliated to Anna University.

3. The annual fee structure for the said studies is Rs.62,500/-. For all the four years, the petitioner has to pay for his son, a sum of Rs. 3,60,000/-.

4. The petitioner claims that he is an agricultural coolie. Therefore, he was not afford to pay that much money on his own. Therefore, he approached the respondent bank for sanctioning of educational loan. But the respondent has not sanctioned.

5. In the typed set of papers filed in support of the writ petition, the petitioner has filed the Course Expenditure Certificate issued by the college as well as the Bonafide Certificate and also a copy of the application submitted for educational loan to the bank. Though all these formalities have been complied with, the necessary loan was not sanctioned.

6. The petitioner had also submitted a representation to that effect to the District Collector on 17.08.2009 with all relevant documents. Even that had not evoked any response. The petitioner had once again made a request to the respondent Bank on 09.01.2010 which was also not sanctioned. Therefore, the petitioner has come out with this writ petition with the aforesaid prayer in the year 2010.

7. Heard the learned counsels appearing for both sides.

8. The learned counsel appearing on behalf of respondent bank would submit that the course period itself is from 2009 onwards and would have been over by 2013 and therefore, the prayer for sanctioning of the loan at the present juncture may not be required to pursue and therefore, he wants the writ petition to be dismissed.

9. There is no further evidence to state that the required loan as has been sought for by the petitioner for his son's studies has been sanctioned or not. However, the petitioner's periodical request made to the respondent bank have been produced and last of such request made to the first respondent dated 09.01.2010 also is pending, according to the petitioner.

10. In the aforesaid circumstances, this Court is of the view that if the loans as sought for by the petitioner has already been sanctioned, nothing to be further pursued in this matter. Further, still the petitioner wanted the loan for payment of college fee for his son's studies and for which his earlier request and application culminated in the representation dated 09.01.2010, can still be considered by the respondent bank and an order to that effect according to the norms can be passed.

11. Therefore, there shall be a direction to the respondents to look into the request of the petitioner dated 17.08.2009 and 09.01.2010 as per the norms of the respondent bank as well as the Government both Central and State and pass suitable orders thereon, within a period of four weeks from the date of receipt of a copy of this order.

12. Writ petition is disposed of accordingly. No costs.

13. It is made clear that before taking the decision, the petitioner can be requested to give his consent as to whether the application has to be further processed or there is no such need for processing the same for sanctioning the loan and accordingly, final order may be passed.