

S. Suguna Vs. The Branch Manager, Syndicate Bank, Coimbatore

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Court : Chennai Madurai

Decided On : Jun-09-2016

Judge : M. Venugopal

Appeal No. : Writ Petition (MD).No. 10218 of 2016

Appellant : S. Suguna

Respondent : The Branch Manager, Syndicate Bank, Coimbatore

Judgement :

(Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondent to return the jewels which was pledged in jewel loan account nos. 1) JL19g200660522 2) JL19g20070373 and 3) JL19g20070321 based on the petitioner's representation dated 21.03.2016 within the period stipulated by this Hon'ble Court.)

1. Heard the Learned Counsel for the Petitioner.
2. To avoid an avoidable delay, notice to the respondent/Syndicate Bank, Coimbatore is dispensed with.
3. According to the petitioner, her only son Andrews Thomas Prem Kumar was working as Office Assistant in Karunya Engineering College at Coimbatore. At that time, her son opened an account in the respondent/Bank bearing Account No.61372200014704 and operated his account. Further, he pledged his jewels in

his account number with the respondent/Bank for his medical treatment, detailed as follows:

- i) on 17.10.2006 in jewel loan account No.JL19g20060522 for Rs.8,000/-;
- ii) On 16.05.2007 in jewel loan account No.JL19g20070321 for Rs.2,000/-; and
- iii) On 05.06.2007 in jewel loan account No.JL19g20070373 for Rs.19,000/- respectively.

4. The case of the petitioner is that her son Andrews Thomas Prem Kumar expired on 06.09.2007 due to his ill-health. The petitioner approached the respondent/Bank and paid the three jewel loan outstanding amounts on 11.09.2007. Also, the respondent/Bank issued the cash received challans and further, they sought her son's Death Certificate and Legal Heir Certificate. On 10.04.2008, she submitted the required documents like Death Certificate and Legal Heir Certificate and the respondent/Bank, after receipt of the certificates, sent the said documents to the higher officials for approval thereafter. Till date, she has not received any communication from the respondent/Bank.

5. It is the plea of the petitioner that due to her ill-health, she is not in a position directly to approach the respondent/Bank and regularly contact the Bank and enquire through phone call. After lapse of more than 8 years, till date, the respondent/Bank has not taken any steps to return the jewels to her, which was pledged by her demised son Andrews Thomas Prem Kumar. Therefore, she sent a detailed representation to the respondent/Bank on 21.03.2016 (through registered post enclosing all the documents) and requested the Bank to return the jewels in question. Even after receipt of her representation by the Bank on 05.04.2016, the respondent/Bank has miserably failed to take necessary action in the subject matter in issue. Hence, she has filed the present writ petition.

6. Even after the petitioner had remitted necessary amounts due under three jewel loan accounts, as stated supra and she had produced necessary documents like Death Certificate and Legal Heir Certificate before the respondent/Bank and submitted her detailed representation dated 21.03.2016, the respondent/Bank has

not responded positively in the subject matter in issue.

7. Therefore, this Court, in the interest of Justice, Fair Play and Equity, Good Conscience and even as a matter of Prudence, directs the respondent/Bank, to look into the representation of the petitioner dated 21.03.2016, within a period of one week from the date of receipt of a copy of this order. Thereafter, within a period of 10 days, the respondent/Bank is directed to pass necessary reasoned, speaking order on merits, (of-course by outlining the process of reasoning in a qualitative and quantitative fashion) and that too with an open, unbiased mind and also in a dispassionate manner, by adhering to the principles of Natural Justice in providing adequate opportunity to the petitioner.

8. The petitioner is also directed to produce relevant copies of records/documents, which the Bank may so require and it is abundantly made clear that the respondent/Bank shall pass necessary orders, in the subject matter in issue, within the time adumbrated by this Court.

9. With the aforesaid observation/direction, the writ petition stands disposed of. No costs.

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