

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.10359 of 2021

K.Loganathan

.. Petitioner

Vs

1. The Deputy General Manager,
Union Bank of India,
No.139, Prakasam Road,
Chennai - 600 108.

2. The Regional Manager,
Union Bank of India,
R.S.Puram, Coimbatore.

3. The Branch Manager,
Corporation Bank Now Union Bank of India,
Virapandi Branch,
Tirupur - 641 652.

4. N.Rathnaswamy

.. Respondents

Prayer: Petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing respondents 2 and 3 to consider the petitioner's representation dated 21.12.2020 and consequently not to initiate any proceedings against the property situated at Velampalayam Village, Tirupur North Taluk, registered vide document No.1460/2004 in Tirupur Joint II Sub Registrar Office in G.S.No.300/2 and G.S.No.300/3 measuring an extent of 2.25 acres and 0.48 acres respectively.

For Petitioner : Mr.T.Nixon

For Respondents : Mr.P.Veeraraghavan
for respondent Nos.1 to 3

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

There is no merit in the writ petition as the only grievance of the petitioning guarantor is that the secured creditor should

proceed first against the principal debtor before seeking to realise the dues by sale of the secured assets.

2. It is elementary that the liability of a guarantor is co-extensive with that of the principal debtor and it is the secured creditor's choice whether to pursue the principal debtor or to go against the assets that may have been furnished by the guarantor. No mandamus can be issued to force a bank to proceed against the one in preference to the other.

Accordingly, W.P.No.10359 of 2021 is dismissed. There will be no order as to costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sasi

To:

1. The Deputy General Manager,
Union Bank of India,
No.139, Prakasam Road,
Chennai - 600 108.
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3. The Branch Manager,
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Tirupur - 641 652.

सत्यमेव जयते

W.P.No.10359 of 2021

SSN(CO)
SP(30/06/2021)

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