



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.02.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN
and
THE HONOURABLE MR. JUSTICE V.S.RAVI

W.P. (MD) No.1641 of 2015

S.J.Ananda Jayasingh

... Petitioner

Vs.

The Authorized Officer,
State Bank of India,
RASMECC,
"Madhuram Complex"
Ground Floor, Zonal Office Building,
Maudrai 625 002.

... Respondent

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent herein to accept for one time settlement of the loan account bearing No.31981 in the name of the Oliver Paul Singh, S/o Raja Singh, Plot No.11, Old S.No.13/1 New S.No.26/1 situated at T.Athikulam Village, Madurai North Taluk, Madurai District on the basis of the representation dated 04.02.2015.

For Petitioner : Mr.A.Robinson

ORDER

(Order of this Court was made by S.TAMILVANAN,J.)

The Writ petition has been filed under Article 226 of the Constitution of India, seeking an order in the nature of Writ of Mandamus, directing the respondent to accept one time settlement of loan amount relating to account No.31981 obtained in the name of Oliver Paul Singh, S/o Raja Singh, Plot No.11, Old S.No.13/1, New S.No.26/1 situates at T.Athikulam Village, Madurai North Taluk, Madurai District on the basis of the representation dated 04.02.2015.

2.Heard the learned counsel appearing for the petitioner.

3.It is not in dispute that the respondent / Bank is a secured creditor and the petitioner obtained amount from the respondent / Bank by way of loan and the same was not settled. Being the secured creditor, the respondent / Bank is entitled to bring the property for sale as per the procedure known to law and appropriate Debts Recovery Tribunal is available.



4. Learned counsel appearing for the petitioner submitted that earlier a conditional order was passed, however, that could not be complied with by the petitioner. That would not be a reason to maintain the Writ petition. As there is there is efficacious alternative remedy available, without approaching the Debts Recovery Tribunal or DRAT the petitioner is not entitled to file the Writ petition invoking Article 226 of the Constitution of India.

5. On the aforesaid facts and circumstances, to meet ends of justice, we are permitting the petitioner to approach the respondent / Bank and try to settle the dues and the respondent / Bank is also directed to consider the same and pass orders according to law.

6. With the above observation, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (C.O)

/True Copy/

Sub-Assistant Registrar

To

The Authorized Officer,
State Bank of India,
RASMECC,
"Madhuram Complex", No.2, Ambedkar Road,
Ground Floor, Zonal Office Building,
Maudrai 625 002.

+One cc to Mr.A.Robinson, Advocate, SR.No.5918

nbj

RL/3 c- 25/2/2015

W.P. (MD) No.1641 of 2015

10.02.2015