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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.22801 of 2015

and

M.P(MD)Nos.1 and 2 of 2015

M.U.Kanagarajan

... Petitioner

Vs.

1.The Authorised Officer,
State Bank of Travancore,
No.34, Chinnakadai Street,
Trichirappalli Branch,
Trichy District.

2.The District Collector cum
District Executive Magistrate,
Trichy District.

3.The Tahsildar,
East Trichy Taluk, Trichy.

4.The Presiding Officer,
Debts Recovery Tribunal,
Madurai.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records the impugned proceedings of the 1st respondent Bank (order of Re-delivery) in AGM/IV/CHN dated 08.10.2015 and quash the same consequently direct the 1st respondent bank to consider the petitioners OTS proposal dated 21.09.2015 on merits and after giving opportunity to the petitioner for discussion and in accordance with RBI guidelines and circulars within a time stipulated by this Court.

For Petitioner	: Mr.V.Meenakshisundaram for Mr.Arunmurugan
For 1 st Respondent	: Mr.S.R.Rajagopal, for Mr.Swarnam J.Rajagopal
For Respondents 2 & 3	: Mr.M.Alagadevan, Special Government Pleader.

ORDER

(Order of the Court was made by V.RAMASUBRAMANIAN,J.)

Though the prayer made in the writ petition is for larger relief, learned counsel for the petitioner sought for a limited direction to the first respondent bank to consider the OTS proposal.



2. Heard Mr.V.Meenakshisundaram, learned counsel for the petitioner and Mr.S.R.Rajagopal, learned counsel for the respondent bank.

3. According to the learned counsel for the respondent bank, OTS proposal has already been considered. But the learned counsel for the petitioner states that no decision was communicated to the petitioner.

4. Therefore, the writ petition is disposed of directing the respondent bank to consider OTS proposal and communicate the same within a week. It is needless to state that if OTS is accepted the way the petitioner wants, the possession need not be taken. The modification application will become infructuous, once OTS is disposed of. We make it clear that the conditional order of the DRT is neither under challenge nor interfered with by us. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2015 are closed.

Sd/-

Assistant Registrar(crl.side)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1. The Authorised Officer,
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Madurai.

+1cc to M/s.Arun Murugan, Advocate in SR.72329

+1cc to M/s.S.R.Rajagopal, Advocate in SR.72468

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and M.P(MD)Nos.1 and 2 of 2015
17.12.2015

sms

PBK/NGM-SS/SAR-I 17/12/2015 ::2P-7C:: (IT)