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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2015

CORAM:

THE HONOURABLE DR.JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

W.P(MD)Nos.3922 to 3924 of 2015

& MP(MD)Nos.1 of 2015 (3 MPs)

R.Rajendran ... Petitioner in W.P.No.3922 of 2015
P.Raju ... Petitioner in W.P.No.3923 of 2015
R.Balakrishnan ... Petitioner in W.P.No.3924 of 2015

Vs.

1.State Bank of India,
Stressed Assets Management Branch (SAMB)
32, Red Cross Building,
II Floor, Montieth Road,
Egmore, Chennai 8.

2.State Bank of India,
Rep by its Deputy General Manager,
SAM Branch,
No.1112, Raja Plaza,
Avinashi Road, Coimbatore.

3.The Branch Manager,
State Bank of India,
Chennai

... Respondents in all W.Ps.

Prayer in W.P.No.3922/2015: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the 1st Respondent to consider the representation dated 14.03.2015 and 16.03.2015 by issuing Sale Certificate in favour of the purchaser for the property situated at Old NO. 88 in Ward NO.5 New Door NO. 5/56 Thanthondi Panchayat Union Andan Kovil Keel Pagam Panchayat in S.F No. 611 (Patta No. 2103).

Prayer in W.P.No.3923/2015: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the 1st Respondent to consider the representation dated 16.03.2015 by issuing Sale Certificate in favour of the purchaser for the property situated at 3/1 Ramakrishnapuram, Karur in S.F No. 439 (Patta No. 1352).

Prayer in W.P.No.3924/2015: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the 1st Respondent to consider the representation dated 16.03.2015 by issuing Sale Certificate in favour of the purchaser for the property situated at Old No.5/88A in Ward No.5 New Door No.5/54 Thanthondi Panchayat Union Andan Kovil Keel Pagam Panchayat in S.F No.611 (Patta No. 2103).



For Petitioners : Mr.Veera.Kathiravan for
Mr.S.C.Herold Singh

For Respondents : Mr.S.Piramanayagam in all Cases

ORDER

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

Heard the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the respondents.

2.These writ petitions have been filed seeking an order in the nature of Mandamus, directing the State Bank of India, Stressed Assets Management Branch (SAMB), Chennai, the first respondent herein to consider the representations dated 14.03.2015 and 16.03.2015 by issuing sale certificate in favour of the purchaser for the properties stated in the representations.

3.The petitioners herein are the Directors of Rajammills Spinning Co., Limited which had acquired loan from the State Bank of India for which private properties belong to the petitioners were also given as security. As the entire amount was not repaid with interest, action was taken by the State Bank of India against the property. Subsequently, the petitioners have made arrangements to settle the amount due and payable to the State Bank of India.

4.Learned counsel referred Page No.12 of the typed set of papers in which settlement of dues by way of compromise signed by the Deputy General Manager, State Bank of India is available. It is also submitted by the learned counsel for the petitioners that the petitioners are ready and willing to repay the amount and settle the dues even by selling their private properties for which they are making arrangements. However, the present writ petitions have been filed seeking to issue sale certificate in favour of the purchaser of the properties as per their representations dated 14.03.2015 and 16.03.2015.

5.It is crystal clear from the averments made in the affidavit and the submissions made by both the learned counsel that there is loan transaction between the company run by the petitioners and the State Bank of India. The petitioners are admittedly the Directors of said Company and there is a brevity of contract between the petitioners and the respondent Bank in respect of the loan transaction. In the aforesaid circumstances, it is open to the parties to settle the dispute amicably, according to law. Hence, invoking Article 226 of the Constitution of India, the petitioners cannot seek an order to direct the first respondent to issue sale certificate in favour of the purchaser of the properties as stated in their representations. However, it is open to the parties to decide the loan transaction by settlement on the basis of equity, according to law.

6.Learned Standing Counsel appearing for the respondents submitted that sale certificate could be issued, if the entire dues payable to the bank is settled by the petitioners.



7. On the said facts and circumstances, we find it just and reasonable to meet the ends of justice to direct the respondents to consider the request made by the petitioners and dispose of their representations, according to law.

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8. Based on the submission made by both the parties, the writ petitions are disposed of directing the respondents to consider the representation and the request of the petitioners and decide the same on or before 27.03.2015, according to law. No costs. Consequently, M.P(MD) Nos.1 to 1 of 2015 are closed.

Sd/-

Assistant Registrar (Crl.side)

/True copy/

Sub Assistant Registrar

To

1. State Bank of India,
Stressed Assets Management Branch (SAMB)
32, Red Cross Building,
II Floor, Montieth Road,
Egmore, Chennai 8.

2. The Deputy General Manager,
State Bank of India,
SAM Branch, No.1112, Raja Plaza,
Avinashi Road, Coimbatore.

3. The Branch Manager,
State Bank of India,
Chennai.

+1cc to MR.S.C.HEROLD SINGH, ADVOCATE IN SR : 13169

+1cc to MR.S.PIRAMANAYAGAM, ADVOCATE IN SR : 13173

Sms

SR : 20.03.2015 : 3p/6c (IT)

W.P(MD) Nos.3922 to 3924 of 2015
19.03.2015