

HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 39481 OF 2014

ORDER:

The petitioners pray for mandamus declaring the inaction of respondents herein in taking decision on the proposal of petitioners for One Time Settlement of loan accounts with the respondents as illegal and arbitrary.

On 24.12.2014 Sri K.Vishwanath Reddy appeared for the respondents and prayed time till 21.01.2015 to file counter affidavit in the Writ Petition. The counter affidavit is filed by respondents and opposed the consideration of a limited and reasonable prayer of the petitioners by placing strong reliance upon the conduct of the petitioners in not co-operating with the bank in either streamlining the accounts or to consider One Time Settlement proposal given by the petitioners. Briefly referred, the case of the respondents is that the request of the petitioners for One Time Settlement was refused on 18.05.2011 and 04.06.2011. The rejection was communicated to the petitioners as well. It is not a case of inaction on the part of the respondents-bank and Writ Petition is misconceived. In support of the said assertion, respondents placed before the Court the RPAD covers dated 16.07.2014 which were returned with the following endorsement:

‘No person in this D/H.No. hence returned.’

From the above it is clear that the decision to reject the one time offer has been taken on 18.05.2011 and 04.06.2011. The respondents tried to contend that the same was

communicated through letter dated 16.11.2014. From the postal endorsement noted above, it is clear that even the decision of refusal taken on 18.05.2011 and 04.06.2011 is not received by or communicated to the petitioners. One Time Settlement as is a policy of scheduled banks to facilitate smooth closure of long pending loan accounts. The objection taken by the respondents do not persuade this court to refuse prayer to petitioner.

Therefore, the Regional Manager, State Bank of India, Ananthapur is directed to look into the request of the petitioners for One Time Settlement and take a final decision in this behalf within a period of four weeks from today. The petitioners are given one more opportunity to make a comprehensive offer within ten days from today which will be in tune with the present requirement to consider the case for One Time Settlement.

The Writ Petition is disposed of.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE S.V. BHATT

DATED 22ND JANUARY, 2015.
Msnr_x