IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2016

CORAM:

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Mr. JUSTICE V. BHARATHIDASAN

W.P. No.14425 of 2016 and W.M.P. Nos.12613
and 12614 of 2016

C. Jayakumar ... Petitioner

vs.

1 The Deputy General Manager (PBBU)
State Bank of India
Local Head Office
Chennai 600 006

2 The Chief Manager
State Bank of India
Attur Branch
Kamarajanar Road
Attur 636 102, Salem District ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records of the first respondent's impugned notice dated 24.03.2016 and quash the same and consequently, direct the respondents to regularise the petitioner's son's education loan account No.30927042333, to give loan interest subsidy and allow the petitioner to pay monthly E.M.I. instalments from April 2016.

For petitioner Mr. A. Radhakrishnan

ORDER
(delivered by SATISH K.AGNIHOTRI, J.)

This writ petition impugns the notice dated 24 March 2016 issued by the respondent bank, whereby and whereunder, the petitioner has been informed that since his account continues to be a Non Performing Asset, the same is proposed to be assigned in favour of Reliance Asset Reconstruction Company and hence, he is required to regularise/close the account within a fortnight by remittance of the overdue amount.

2 The facts, in a nutshell, as posited by the petitioner, are that the petitioner availed educational loan of Rs.2 lakhs from the respondent bank in September 2009 for his son to pursue M.B.B.S. course. His son completed the said course in March 2015. Thus, the petitioner is entitled to one year moratorium period from March 2015 to March 2016, as informed by the respondent bank vide letter dated 30 October 2010, before the respondent bank initiates process of recovery of money. But, the respondent bank, without waiting for the expiry of moratorium period of one year, has declared the educational loan as Non Performing Asset. Hence, this writ petition seeking the aforestated relief.

3 Even according to the learned counsel for the petitioner, the respondent bank has not invoked the provisions of the SARFAESI Act, till date, by issuance of demand notice under Section 13(2), ibid.

4 In that event, after a demand is made by the respondent bank under the provisions of the SARFAESI Act, the petitioner has full opportunity to make a representation for One Time Settlement or otherwise, exercising the right conferred on him under Section 13(3-A), ibid. As such, we are of the considered view that this writ petition is premature, at this stage.

As a sequel, the writ being devoid of any merit, stands dismissed. Costs made easy. Connected W.M.Ps. are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad
To
1 The Deputy General Manager (PBBU)
State Bank of India
Local Head Office Chennai 600 006
2 The Chief Manager
State Bank of IndiaAttur Branch
Kamarajanar RoadAttur 636 102, Salem District

+1cc to Mr.*A. Radhakrishnan, Advocate SR.24650

KSJ(CO)
EU(25/04/2016)