

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.17367 of 2016

P.Muthusamy

.. Petitioner

Vs.

1.The General Manager,
State Bank of India (Head Office)
No.16, College Road,
Nungambakkam,
Chennai-6.

2.The Regional Manager,
State Bank of India,
Fort Main Road,
Salem.

3.M/s.BFI Factoring Services Limited,
A.B.House, 2nd Floor,
No.116/154, Kutchery Road,
Chennai-600 004.

4.The Branch Manager,
State Bank of India,
Attur Branch,
Kamarajar Road,
Attur,
Salem District-636 102.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 18.9.2015 to return the harvester from the 4th respondent to the petitioner within a time limit.

For Petitioner : Mr.K.Murugesan

For Respondents : Mr.M.Devaraj for R1, R2 and R4

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioner, in the affidavit filed in support of the writ petition would aver among other things that he approached the fourth respondent for financial assistance to do agricultural activities and for purchase of tractor and harvester machines and accordingly, a sum of Rs.10,00,000/- was sanctioned on 24.11.2009 in Loan A/c.No.30747386672 and he has also executed necessary documents and deposited title deeds for the amount due and payable. The petitioner has paid a sum of Rs.3,10,000/- on different occasions, but could not repay the loan due to slump in agriculture. However, the respondents without putting the petitioner on notice, seized the harvester on 24.04.2013 and consequently, it was sold on auction on 11.07.2015 for sum of Rs.3,10,000/-. The grievance expressed by the petitioner is that the respondent, being a Public Sector Bank, is bound to abide by the rule of law, but it has not done so and seized the harvester without any prior notice and also sold it for a paltry sum. The petitioner, in this regard, has submitted a representation dated 18.09.2015 requesting the fourth respondent to return the harvester and since he has not been favoured with any response, came forward to file this writ petition.

3. Heard the submissions of the learned counsel appearing for the petitioner and Mr.M.Devaraj, learned Standing Counsel, who accepts notice on behalf of the respondents 1, 2 and 4 and would submit that the petitioner has totally availed four loans and a total sum of Rs.30,69,000/- is due and recovery action has also been initiated and insofar as the present loan is concerned, on account of non-payment of loan, harvester was seized and auction took place on 11.07.2015 and the harvester was sold for Rs.3,10,000/- and the amount realized was credited to the loan account of the petitioner on 28.07.2015 and with regard to the representation submitted by the petitioner, a reply was also sent on 29.09.2015 informing the said fact and the petitioner was also informed that the Bank is ready to reach a fruitful compromise/settlement at an early date.

4. In the light of the said development, no orders needs to be passed. Therefore, this Writ Petition is closed. However, the petitioner is at liberty to approach the fourth respondent in terms of their reply dated 29.09.2015 to find out the possibility of amicable settlement. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

- 1.The General Manager,
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- 4.The Branch Manager,
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Attur Branch,
Kamarajar Road,
Attur, Salem District-636 102.

+1cc to M/S.K.Murugesan, Advocate sr.32893
+1cc to M/S.M.Devaraj, Advocate Sr.32700

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srg 24/06/2016