

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.8438 of 2016

and

W.M.P. No.7484 of 2016

Gnanambal

..Petitioner

Vs.

1. The Senior Regional Manager,
Regional Office, Chennai Region,
Central Bank of India,
Rukmani Lakshmipathy Road,
Egmore, Chennai 600 008.

2. The Manager,
Central Bank of India,
Kallakurichi Branch,
Kallakurichi 606 202,
Villupuram District.

3. V. Subramaniam

4. V. Selvam

..Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first and second respondents to receive the amount under One Time Settlement, so as to discharge the loan in full, availed by the third and fourth respondents.

For Petitioner : Mr.R.Saravanakumar

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ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

The petitioner, claiming to be a co-owner of the secured asset, has come up with the instant writ petition, seeking a writ of mandamus directing the respondents 1 and 2 to receive the loan amount from her under One Time Settlement scheme, so that the said loan availed by respondents 3 and 4, can be discharged by her, in full.

2. According to the petitioner, the respondents 3 and 4 availed loan from the respondent bank, creating secured interest in the property in question, which is under the ownership of the petitioner and respondents 3 and 4 as well. Now, she seeks to settle the outstanding dues to the bank under One Time Settlement Scheme, so that the property could be free from encumbrance.

3. In such an event, the petitioner is at liberty to move the Debts Recovery Tribunal having jurisdiction, seeking appropriate relief under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the SARFAESI Act").

4. It is stated by the learned counsel for the petitioner that proceedings under the SARFAESI Act have already been initiated. However, no document in respect of the same is filed before us.

5. Be that as it may, the dispute between the petitioner and respondents 3 and 4 appears to be under consideration before the District and Sessions Court, Villupuram. At this stage, we are not inclined to interfere in the matter in exercise of our jurisdiction under Article 226 of the Constitution of India. However, the petitioner is at liberty to take recourse to the appropriate forum as available under the provisions of law.

Resultantly, the writ petition stands dismissed sans costs. Connected W.M.P. is closed.

cad

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Senior Regional Manager,
Regional Office, Chennai Region,
Central Bank of India,
Rukmani Lakshmipathy Road,
Egmore, Chennai 600 008.

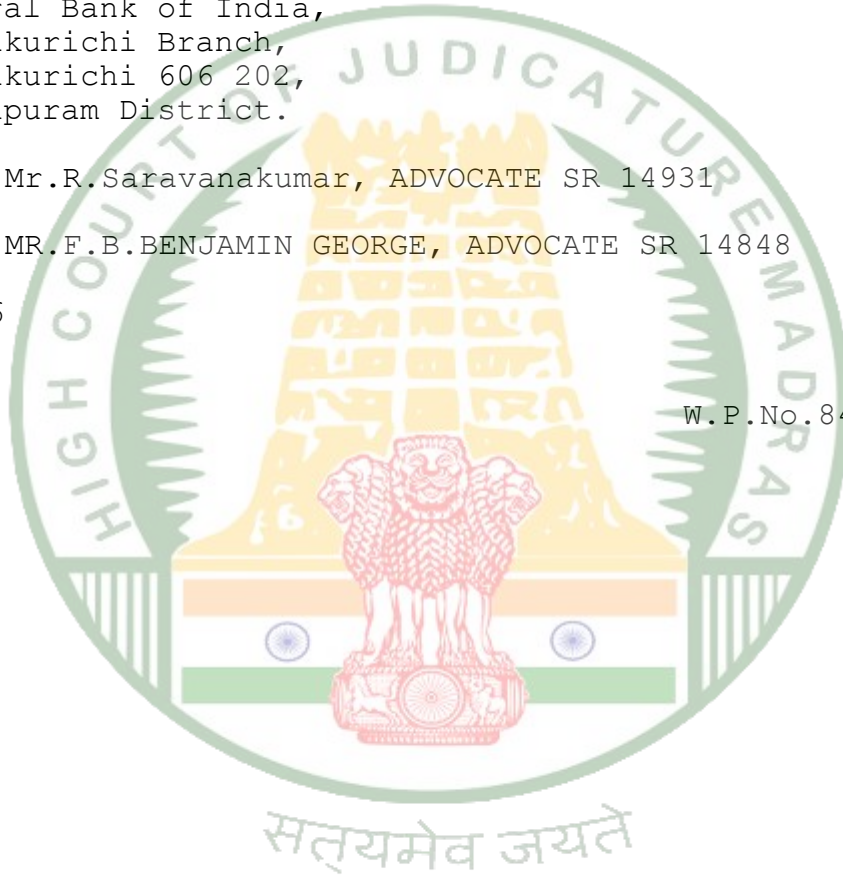
2. The Manager,
Central Bank of India,
Kallakurichi Branch,
Kallakurichi 606 202,
Villupuram District.

+ 1 CC TO Mr.R.Saravanakumar, ADVOCATE SR 14931

+ 1 CC TO MR.F.B.BENJAMIN GEORGE, ADVOCATE SR 14848

KR/17/3/16

W.P.No.8438 of 2016



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