



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

W.P. (MD) No. 11584 of 2017

WEB COPY

Senthil Rajkumar

...Petitioner

-Vs-

The Chief Manager,
Canara Bank,
Cantonment Branch,
No.21, Madurai Road,
Trichy.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to accept the terms and conditions of Lok-Adalat settlement dated 27.02.2017 and extension of time for settlement of loan, in Account CC No.1223 261 100035 & OCC No.1223261100077 and consequently to direct the respondent not to take any further proceedings in the petitioner's loan account.

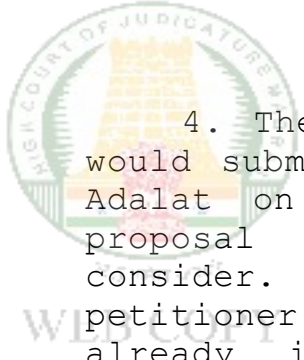
For Petitioner : Mr.K.Asok Kumar Ram
For Respondent : Mr.Pala Ramasamy

O R D E R

The petitioner has come up with the present Writ Petition for issuance of a Writ of Mandamus, directing the respondent to accept the terms and conditions of Lok-Adalat settlement, dated 27.02.2017 and extension of time for settlement of loan, in Account CC No.1223 261 100035 & OCC No.1223261100077 and consequently to direct the respondent not to take any further proceedings in the petitioner's loan account.

2.Heard Mr.K.Asok Kumar Ram, learned Counsel appearing for the petitioner and Mr.Pala Ramasamy, learned Counsel appearing for the respondent.

3.According to the petitioner, on 27.02.2017 he participated in the Lok Adalat and he offered to pay Rs.3 crores for one time settlement. However, he could not deposit the funds in the loan account, so the respondent initiated SARFAESI proceedings. Hence the petitioner has filed the present writ petition.



4. The learned Counsel for the respondent, on instructions, would submit that the respondent bank has not agreed before Lok Adalat on 27.02.2017 to settle the matter and if any fresh proposal is given by the petitioner, the respondent would consider. It is further submitted that the account of the petitioner has become Non Performing Assets, so the respondent has already initiated proceedings under SARFAESI Act. If the petitioner is having any grievance, he has to approach the Debt Recovery Tribunal and this Writ petition is not maintainable.

5. Considering the prayer sought for in the Writ petition and the submissions of the learned Counsel for the respondent, this Writ petition is disposed of, with liberty to the petitioner to approach the respondent for settlement of his loan. No costs.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

+1cc to Mr.K.Ashok Kumar Ram, Advocate, SR. 62081

W.P. (MD) No.11584 of 2017
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MSA/DSS

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