



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 13.10.2017
CORAM

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM
AND

WEB COPY THE HONOURABLE MRS. JUSTICE V. BHAVANI SUBBAROYAN
W.P. (MD) No. 19282 of 2017

T.S. Leena

.. petitioners

Vs.

1. The District Registrar,
Kanyakumari District
at Nagercoil.

2. The Zonal Manager,
Zonal Office,
Vijaya Bank,
Ground Floor,
110, Court Road,
Nagercoil,
Kanyakumari District.

3. The Branch Manager,
Vijaya Bank,
Vellareda Branch,
1/867, Narayanan Building,
Panchamoodu (Post),
Trivandram District - 695 505.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 14.10.2016 and 06.09.2017 within the time stipulated by this Court.

For Petitioners : Mr. M. R. Sreenivasan

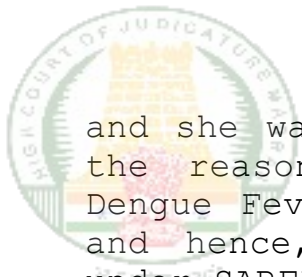
For 1st Respondent : Mr. C. Selvaraj S.G.P.,

ORDER

[Order of the Court was delivered by **K. KALYANASUNDARAM, J**]

The petitioner has come up with the present writ petition for issuance of a Writ of Mandamus directing the respondents to consider her representations dated 14.10.2016 and 06.09.2017 within the time stipulated by this Court.

2. According to the petitioner, she borrowed a sum of Rs. 5,00,000/- in the month of July 2014 from the respondent bank



and she was repaying the loan amount regularly. However, due to the reasons that the petitioner's daughters were affected by Dengue Fever and hospitalized at Trivandram, there was a default and hence, the third respondent bank initiated the proceeding under SARFAESI Act.

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3.The further case of the petitioner is that out of Rs.5,00,000/-, she has already paid Rs.2,20,000/- and she has given a representation to the respondents to convert his OD loan into a term loan for five years. Since the said representation was not considered, the present writ petition.

4.Mr.M.R.Sreenivasan, learned counsel appearing for the petitioner would submit that the third respondent bank had already initiated the proceedings to take symbolic possession, pursuant to the notice issued under Section 13(4) of the said Act.

5.It is well settled law that in the matter of SARFAESI proceedings, this Court cannot interfere invoking the jurisdiction under Article 226 of the Constitution of India at this stage. Hence, this Writ Petition fails and the same is dismissed, however, with liberty to the petitioner to approach the third respondent for redressal of her grievance. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The District Registrar,
Kanyakumari District
at Nagercoil.

2.The Zonal Manager,
Zonal Office,
Vijaya Bank,Ground Floor,
110, Court Road, Nagercoil,Kanyakumari District.

3.The Branch Manager,
Vijaya Bank,
Vellareda Branch, 1/867, Narayanan Building,
Panchamoodu (Post),Trivandram District - 695 505.

+1cc to Mr.M.R.SREENIVASAN,Advocate,SR.82861

+1cc to M/S.Special Government Pleader,SR.83045

W.P. (MD) No.19282 of 2017
13.10.2017