



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) Nos.21708 to 21718 of 2017 and
W.M.P.(MD) Nos.18016 to 18026 of 2017

MUTHUSWAMY	... Petitioner in WP(MD). 21708/ 2017
CHELLAKANI	... Petitioner in WP(MD). 21709/ 2017
A.MUTHUMADASWAMY	... Petitioner in WP(MD). 21710/ 2017
CHINNABOSE	... Petitioner in WP(MD). 21711/ 2017
D.MARIGANI	... Petitioner in WP(MD). 21712/ 2017
CHELLIAH	... Petitioner in WP(MD). 21713/ 2017
K.MARIAPPAN	... Petitioner in WP(MD). 21714/ 2017
N.CHIDAMBARAM	... Petitioner in WP(MD). 21715/ 2017
N.CHELLAPANDI	... Petitioner in WP(MD). 21716/ 2017
T.PANDI	... Petitioner in WP(MD). 21717/ 2017
MUTHUKUMAR	... Petitioner in WP(MD). 21718/ 2017

-vs-

The Branch Manager,
State Bank of India,
Nilakottai.

... Respondent in all cases

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to grant further and sufficient time for repayment of loan amount along with the interest in improved market conditions.

For Petitioner : M/s.Aparna Nandakumar in all cases

C O M M O N O R D E R

These writ petitions have been filed, seeking a direction to grant further and sufficient time for repayment of loan amount along with the interest on the basis of the prevailing market conditions.



2. Heard the learned counsel for the petitioners. Notice to the respondent is dispensed with, as no adverse order is going to be passed in these writ petitions.

3. For the sake of brevity, the facts are being taken from W.P. (MD) No.21708 of 2017, in which, the case of the petitioner in nutshell is that he, who is an agriculturist and a producer of black gram, availed agriculture loan of Rs.30,07,000/- from the respondent by pledging his 381 bags of black gram weighing 37589 kgs. and storing the same in Tamil Nadu Warehousing Corporation, Batlagundu. Though he has been paying the warehousing charges regularly, due to poor market conditions, he was not able to repay the loan amount. While so, the respondent Bank has fixed the date as 18.11.2017 for sale of the said gram and also issued a paper publication on 14.11.2017 to that effect. It is the further case of the petitioner that though auction was conducted on 18.11.2017, nobody participated in the said auction on account of fall in market price and the respondent is going to announce the next auction shortly. Aggrieved by the same, the petitioner is before this Court seeking above direction.

4. The learned counsel for the petitioners would submit that the respondent Bank, without any notice and without providing an opportunity to the petitioners to redeem the properties, decided to proceed with the auctioning of properties and the Bank has scheduled to conduct the auction on 24.11.2017, viz., today. The said statement made by the learned counsel for the petitioners and her Junior Counsel is recorded.

5. Considering the facts and circumstances of the case, these writ petitions are disposed of, directing the petitioners to submit their proposals to the respondent Bank, regarding repayment of loan either on one time basis or in instalments on or before 08.12.2017 and on receipt of the same, the respondent Bank shall consider their proposals and pass necessary orders thereon on merits and in accordance with law. It is made clear that pending disposal of their proposals, the auction now proposed to be conducted or already conducted shall be kept in abeyance and no confirmation should be made till then. In case the respondent Bank is able to prove that they have already served notice to the petitioners well in advance with regard to the proposed auction, then it is open to the Bank to proceed further in the matter. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/



To

The Branch Manager,
State Bank of India,
Nilakottai.

+11ccs to M/S.Aparna Nandakumar, Advocate SR.No. 89195 to 89205

W.P(MD) Nos.21708 to 21718 of 2017
24.11.2017

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JM/SKN RSK/SAR 2/27.11.2017/3P/13C