



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2017

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THE HON'BLE MR.JUSTICE M.VENUGOPAL
and
THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.9775 of 2017
and

W.M.P.(MD) Nos.7491, 7492 and 15090 of 2017

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.. Petitioner

vs.

1.The District Collector,
Kanyakumari District, Nagercoil.

2.The Authorized Officer,
Tamilnad Mercantile Bank,
Trivandrum Regional Office,
Trivandrum.

3.The Tamilnad Mercantile Bank,
Rep. by its Branch Manager,
Arumanai Branch,
Kanyakumari District.

.. Respondents

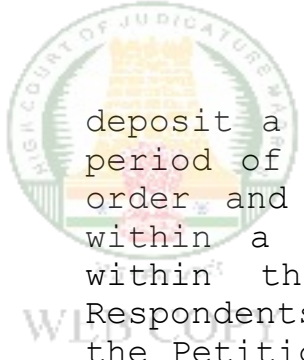
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records on the file of the first respondent pertaining to its proceedings K.Dis.No.C4/2039/2016, dated 03.07.2016 and to quash the same and consequently, direct the respondents to consider the One Time Settlement proposal sent by the Petitioner on 03.05.2017.

For Petitioner	: Mr.S.C.Herold Singh
For R1	: Mr.M.Govindan
	Special Government Pleader
For R2&R3	: Mr.Pala Ramasamy

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]
Heard both sides.

2.It transpires that in WMP(MD)No.7492 of 2017 in W.P.(MD) No.9775 of 2017, on 24.05.2017, this Court, had passed an order of <https://hcservices.ecourts.gov.in/hcservices/DownloadCourtOrder.aspx> on condition that the Petitioner shall deposit a sum of Rs.20,00,000/- (Rupees Twenty Lakhs Only). The Petitioner shall



deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) within a period of four weeks from the date of receipt of a copy of this order and thereafter, the balance amount shall be paid by him within a period of eight weeks. On deposit of Rs.5,00,000/-, within the above stipulated period by the Petitioner, the Respondents 2 and 3 are directed to remove the lock and seal of the Petitioner's premises.'

3.It is to be noted that the Third Respondent/Bank in WMP(MD) No.15090 of 2017 in WMP(MD)No.7492 of 2017 in W.P.(MD)No.9775 of 2017, at paragraph No.6, had stated that the Petitioner availed the following credit facilities to develop his business against the security, which is stated in the impugned notice:-

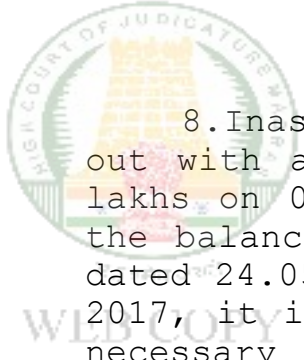
Sl.No .	Date of Security Documents	Nature of facility	Amount sanctioned (in Rs.)	Balance as on 13.06.2017
1.	13.02.2012	Over Draft	3,00,000/-	4,18,948.48
2.	26.11.2011	Term Loan-I	12,00,000/-	19,54,798.86
3.	01.12.2011	Term Loan-II	1,25,000/-	93,566.16
4.	01.12.2011	Term Loan-III	3,90,000/-	8,01,599.04
5.	13.02.2012	Term Loan-IV	3,47,000/-	7,34,841.24

4.It is seen from WMP(MD)No.15090 of 2017in WMP(MD)No.7492 of 2017 in WMP(MD)No.7492 of 2017 in W.P.(MD)No.9775 of 2017 at paragraph No.8, that the Third Respondent/Bank, had averred to the effect that the Writ Petitioner had deposited a sum of Rs.5 lakhs on 07.06.2017 and that the possession was received by him.

5.At this stage, it is to be pertinently pointed out that this Court, on 24.05.2017, in WMP(MD)No.7492 of 2017 in W.P.(MD)No.9775 of 2017, had directed the Petitioner to deposit a sum of Rs.5 lakhs within a period of four weeks from the date of receipt of a copy of the order and thereafter, the balance amount was directed to be paid by him, within a period of eight weeks etc.

6.Today, the Learned counsel for the Petitioner informs this Court that the letter addressed by him to the Petitioner, got returned.

7.In view of the crystalline fact that the Petitioner has an effective, efficacious, viable and an alternative remedy before Debts Recovery Tribunal, Madurai for redressal of his grievance(s) either in the existing security application or in a new securitization application, this Court, without expressing any opinion on the merits of the matter, is of the considered view that the proper course of action to be resorted to by the Petitioner, is to approach the Debts Recovery Tribunal, Madurai for seeking necessary relief(s), in accordance with Law.



8. Inasmuch as the Second and Third Respondents/Bank had come out with a plea that the Petitioner had deposited a sum of Rs.5 lakhs on 07.06.2017 and in case, the Petitioner had not remitted the balance amount, within a period of eight weeks, as per order dated 24.05.2017, in WMP(MD)No.7492 of 2017 in W.P.(MD)No.9775 of 2017, it is open to the Second and Third Respondents/Bank to take necessary action against the writ Petitioner before the competent Forum/Authority, ofcourse in the manner known to Law and in accordance with Law, if it so desires/advised.

9. With the aforesaid observation(s), the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To:

The District Collector,
Kanyakumari District, Nagercoil.

+One cc to Mr.S.C.Herold Singh, Advocate, SR.No.83789

+One cc to Mr.Pala Ramsamy, Advocate, SR.No.83813

rj2

RL/4C/3P/MR/KKR/SAR4/6/11/2017

W.P. (MD) No.9775 of 2017

26.10.2017