

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.12247 of 2018 and

W.M.P.No.14303 of 2018

Ravindran Thangappan

.. Petitioner

Vs.

1.The Authorized Officer,
State Bank of India,
RACPC No.16, Whannels Road,
Egmore, Chennai - 8.

2.The Branch Manager,
State Bank of India,
Saligramam,
49, Arcot Road, Chennai - 93.

3.The Presiding Officer,
Debts Recovery Tribunal - 1,
770 A, Spencer Towers - 1,
Anna Salai, Chennai - 600 002.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the respondents 1 & 2 to provide the benefit under the Samadhan Scheme pursuant to the petitioner's representation dated 03.05.2018 and to enable the petitioner to settle the outstanding educational loan.

For Petitioner : Mr.S.Prabhakaran

For Respondents : Mr.CM.Mohanasundaram (R1 & R2)
R3 - Tribunal

O R D E R

(Order of the Court made by M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a

Writ of mandamus directing the respondents 1 & 2 to provide the benefit under the Samadhan Scheme pursuant to the petitioner's representation dated 03.05.2018 and to enable the petitioner to settle the outstanding educational loan.

2.It is the case of the petitioner that his daughter R.Ramya applied for educational loan in the 1st respondent - Bank to pursue her higher studies at United Kingdom in the year 2009. On 08.10.2009, the 1st respondent - Bank sanctioned a sum of Rs.13,90,000/- towards the educational loan with re-payment holiday period of 12 months and the re-payment was to be made by way of 60 monthly installments of Rs.29,533/- each. Subsequently, a representation dated 05.05.2015 was sent by the petitioner's daughter to the Bank seeking for extension of another 60 months and the same was granted by the 1st respondent - Bank.

3.Since there was default in paying the monthly installments, the respondent- Bank issued notice dated 02.05.2017 under Section 13 (2) of the SARFAESI Act, demanding a sum of Rs.23,00,389/- as on 01.05.2017. Subsequently, the respondent - Bank has also issued possession notice, which was challenged by the petitioner before the Debts Recovery Tribunal - I, Chennai in S.A.No.82 of 2017, which is pending.

4.In the meantime, the respondent - Bank introduced Samadhan Scheme called RINN Samadhan Scheme (One Time Settlement of NPA and AUCA) to settle the dues of small borrowers. As per letter dated 03.01.2018 sent to the petitioner's daughter for availing the benefits under the Samadhan Scheme, it has been specifically mentioned that the scheme would close on 31.01.2018. In spite of receiving the letter dated 03.01.2018 and knowing fully well that the Samadhan Scheme would close on 31.01.2018, the petitioner's daughter has not given any representation for availing the benefits under the Samadhan Scheme before 31.01.2018. Instead, the petitioner gave a representation dated 03.05.2018 (i.e.) after a lapse of more than three months for availing the benefits under the Samadhan Scheme.

5.When the respondent - Bank, in the letter dated 03.01.2018, has stated that the Scheme would close on 31.01.2018, the Scheme cannot be extended for the petitioner, who slept over for more than three months. When the petitioner or his daughter had not availed the Scheme before the closing date of the Scheme, the benefits cannot be extended to the petitioner or his daughter, who opted not to submit their representation before the due date. The petitioner has got no legal right for the issuance of Writ of Mandamus.

6.In these circumstances, we do not find any merit in the

Writ Petition. The Writ Petition is dismissed. No costs.
Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

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To

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+1 cc Mr.S.Prabhakaran, Advocate, SR.No. 69756
+1 cc Mr.C.M.Mohan Sundaram, Advocate, SR.No.68921

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AK (CO)
CSL/23.10.2018

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