

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 9/7/2018

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

Writ Petition No.16992 of 2018

S.Karthikeyan
Managing Director
Thirumagal Poultry Farms (P) Ltd
No.247 Bavani Road
Anthiyur 638 501
Erode District.

...Petitioner

Vs

1. The Chairman
Vijaya Bank
Head office
41/2 M.G.Road Stage 2
Ulsoor, Bengaluru
Karnataka 560 001.
2. The Managing Director
Vijaya Bank
Head office
41/2 M.G.Road Stage 2
Ulsoor, Bengaluru
Karnataka 560 001.
3. The General Manager
Vijaya Bank
Head office
41/2 M.G.Road Stage 2
Ulsoor, Bengaluru
Karnataka 560 001.
4. The Regional Manager
Vijaya Bank
Regional Office, Coimbatore
Tamil Nadu.
5. The Branch Manager
Vijaya Bank Erode Branch
Erode District.
Tamil Nadu.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of mandamus to direct the respondents to consider the petitioner's representation dated 29/12/2017, to process and accept the terms of One Time Settlement, receive the amount from the petitioner, as per the terms of OTS and issue "No Due Certificate" in the loan account.

For petitioner ... Mr.V.R.Appaswamee

O R D E R

(Order of the Court was made by S.MANIKUMAR, J)

Petitioner, who has offered One Time Settlement and sent a representation, dated 29/12/2017, seeks for a writ of mandamus, directing the Bank, to process and accept the terms of One Time Settlement.

2. During the course of arguments, it was brought to the notice of the learned counsel that such a prayer cannot be granted, in the light of the decision of this Court in Tamilnadu Industrial Investment Corporation Vs. Millenium Business Solutions Private Limited, reported in 2004 (5) CTC 689. It was also brought to the notice that One Time Settlement is an offer made by the borrower/guarantor, as the case may be, and the Court cannot issue any directions to the Bank, to accept the said offer, as per the proposal. Offer and acceptance is purely contractual and therefore, no mandamus can be issued for entering into a contract.

3. At this juncture, learned counsel for the petitioner seeks permission, to withdraw the writ petition and he has also made an endorsement to that effect.

4. With the above observations and in view of the endorsement made by the learned counsel for the petitioner, writ petition is dismissed as withdrawn. No leave is granted to file a fresh writ petition, on the same cause of action. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mvs

To

1. The Chairman
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Tamil Nadu.

+1cc to Mr.V.R.Appaswamee, Advocate, S.R.No.44993

BR (CO)
BM 09/07/2018

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