IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:25.09.2018

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAISWAMY

W.P. No.25231 of 2018
and
W.M.P.No.29339 of 2018

M/s.Shana Auto Laser Pvt. Ltd.
Rep. by is Managing Director
Mr.A.Nambhi
No.22/A2, New No.2/441-7, 1st Floor
Durga Nagar, Anumepalli Agraharam
Zuzuvadi Village
Hosur - 635 126.

.. Petitioner

Vs.

1.The General Manager
Indian Overseas Bank
Zonal Office - Chennai
Annexe Building, III Floor
763, Anna Salai
Chennai - 600 002

2.The Senior Manager,
Indian Overseas Bank
Hosur IC Branch, Plot No.130 A
SIPCOT Industrial Complex
Hosur - 635 126

3. The Regional Manager
Indian Overseas Bank
7/54, II Floor, Ideal Garden Complex
Junction Road, Near Five Roads
Salem - 636 004

4. The Äuthorised Officer
Indian Overseas Bank
Hosur IC Branch, Plot No.130 A
SIPCOT Industrial Complex
Hosur - 635 126

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, directing the 2nd and 3rd respondents to consider the representation of

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the petitioner dated 11.08.2018 for OTS proposal as this court may deem fit and proper in the facts and circumstances of the case.

For Petitioner : Mr.D.Thirunavurkarasu

O R D E R

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

The petitioner has filed the above writ petition to issue a Writ of Mandamus, directing the respondents 2 and 3 to consider the representation of the petitioner dated 11.08.2018 for OTS proposal.

2. It is settled position that the bank cannot be compelled to accept the OTS proposal given by the borrowers or guarantors. It is for the bank to consider the proposal given by the borrowers or guarantors independently on merits. The petitioner has got no legal right to compel the respondent-bank to accept the OTS proposal.

3. In these circumstances a mandamus cannot be issued to the respondent-bank for considering the petitioner's OTS proposal. The writ petition is devoid of merits and the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

rj

Sd/-
Assistant Registrar(CS-VI)

// True Copy//

Sub Asst. Registrar

TO

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KR/8/10/18

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