

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2018

CORAM :

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

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.33207 of 2018 and
W.M.P.No.38457 of 2018

P.Bhuvaneswari

.. Petitioner

Vs.

1.M/s.Tamilnad Mercantile Bank Ltd.,
rep by its Manager,
Thiruvallur Branch,
No.120, J.N.Road,
Thiruvallur - 602 001.

2.Authorized Officer,
M/s.Tamilnad Mercantile Bank Ltd.,
Thiruvallur Branch,
No.120, J.N.Road,
Thiruvallur - 602 001.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus directing the respondents to consider the petitioner's proposal for one time settlement made in her representation dated 06.12.2018 within a reasonable time to be fixed by this Court without proceeding with auction sale of the petitioner's property viz., having an extent of 2156 sq.ft. with house building (713 sq.ft.) bearing Door No.62 in S.No.10/4 (S.No.10/4/21 as per patta) Plot No.62, Padmanaban Street, Venkatesan Nagar Extension (Maruthi Nagar), Oragadam, Chennai - 600 053.

For Petitioner : Mr.R.Neelakandan

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 to consider the petitioner's proposal for One Time Settlement made in her representation dated 06.12.2018 within a reasonable time without proceeding with auction sale of the petitioner's property.

2.It is the case of the petitioner that she gave an OTS proposal. However, the 2nd respondent - Bank, without accepting the OTS proposal, issued a sale notice dated 30.11.2018, fixing the auction on 02.01.2019.

3.Virtually, the petitioner has challenged the sale notice dated 30.11.2018 in this Writ Petition. It is settled position that the respondent - Bank cannot be compelled to accept the OTS proposal given by the petitioner. So far as the OTS proposal is concerned, it is only for the Bank to take a decision on the same. With regard to the sale notice dated 30.11.2018 is concerned, the petitioner can only approach the Debts Recovery Tribunal and cannot file a Writ Petition directly before this Court.

4.In such view of the matter, we are not inclined to entertain the Writ Petition. Accordingly, the same is dismissed. No costs. consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

va
To

1.The Manager,
M/s.Tamilnad Mercantile Bank Ltd.,
Thiruvallur Branch,
No.120, J.N.Road,
Thiruvallur - 602 001.

2.Authorized Officer,
M/s.Tamilnad Mercantile Bank Ltd.,
Thiruvallur Branch,
No.120, J.N.Road,
Thiruvallur - 602 001.

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CA(CO)
SP(23/01/2019)