



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2018

C O R A M:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE DR.JUSTICE ANITA SUMANTH**

W.P (MD) No.14593 of 2018

S.Rajesh Kanna

... Petitioner

Vs.

1. The Branch Manager,
Lakshmi Vilas Bank,
Kurumbapatti Branch,
Pallapatty (Via),
Karur District - 639 205.
2. The Regional Manager,
Regional Office,
Lakshmi Vilas Bank,
Credit Department,
LVB Platinum Jubilee Building,
68, Oppanakara Street, IInd Floor,
Coimbatore - 641 001,
Tamil Nadu.
3. The Managing Director,
The Lakshmi Vilas Bank Limited,
Corporate Office, LVB House,
4/1, Sardar Patel Road,
Guindy, Chennai - 600 032,
Tamil Nadu.
4. The Lakshmi Vilas Bank,
Commercial Banking Branch
South Wing, Ground Floor,
Registered Office Building,
Salem Main Road,
Kathaparai,



5. R.Lakshmi Kanth Rao,
C/o.Reserve Bank of India,
Bank Ombudsman,
Fort Glacis, Chennai - 600 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the fifth respondent to intervene for one time settlement of the petitioner's two loan accounts considering all the representation made by the petitioner with the respondent Bank within a stipulated time.

For Petitioner : Mr.K.Krishna
For Respondents : Mr.Pala Ramasamy

O R D E R

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

The petitioner has filed the above writ petition to issue a Writ of Mandamus, directing the fifth respondent, namely R.Lakshmi Kanth Rao, C/o.Reserve Bank of India, Bank Ombudsman, to intervene for One Time Settlement of the petitioner's two loan accounts considering all the representations made by him with the respondent Bank within a stipulated time.

2.Mr.Pala Ramasamy, learned counsel takes notice for the respondents 1 to 4 and submitted that the Bank had initiated proceedings the petitioner and the proceedings are pending before the Debt Recovery Tribunal, Madurai in O.A.No.880 of 2015. Further, the learned counsel submitted that the relief sought for in the Writ Petition cannot be granted for the reason that the fifth respondent-Ombudsman cannot intervene in the matter for considering the petitioner's One Time Settlement proposal.

3.The learned counsel appearing for the petitioner submitted that the Bank had orally informed the petitioner that they are going to withdraw the proceedings pending before the Debt Recovery Tribunal, Madurai and therefore, the petitioner did not appear before the Debt Recovery Tribunal, Madurai. However, in support of his contention, the petitioner has not produced any evidence before this Court. Therefore, the contention raised by the petitioner cannot be accepted and is rejected.

<https://hcservices.court.gov.in/hcservices/> 4.The learned counsel appearing for the respondents 1 to 4 submitted that the Original Application pending before the Debt



Recovery Tribunal, Madurai, came up for hearing in the month of June, 2018 and therefore, the petitioner can seek for his remedy before the Debt Recovery Tribunal, Madurai, instead of filing a Writ Petition before this Court under Article 226 of the Constitution of India.

5.As rightly contended by the learned counsel appearing for the respondents 1 to 4, the petitioner cannot seek for a direction to the Ombudsman to intervene in the One Time Settlement proposal given by the petitioner. It is for the Bank to decide on the One Time Settlement proposal given by the petitioner. Since the learned counsel appearing for the respondents 1 to 4 submitted that the proceedings are pending before the Debt Recovery Tribunal, Madurai, the petitioner could have appear before the Debt Recovery Tribunal and contest the proceedings pending against him and he could have sought for appropriate relief before the Debt Recovery Tribunal, Madurai.

6.In these circumstances, we do not find any reason to entertain the present Writ Petition which is liable to be rejected and accordingly, the same is dismissed. No costs.

Sd/-

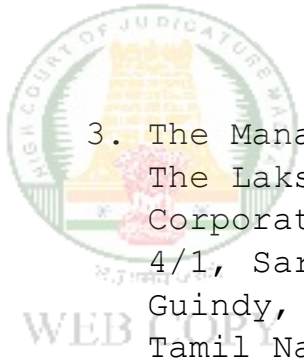
Assistant Registrar(WRITS)

/True Copy/

Sub Assistant Registrar

To

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Kathaparai,
Karur - 639 006.

+1 CC to Mr.PALARAMASAMY, Advocate in SR.No.71995

PS

RJ/SKN/RSK/SAR-2/18/07/2018 - 4P/6C

W.P (MD) No.14593 of 2018

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