THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.19841 of 2018

ORDER: (*Per* Hon'ble Sri Justice Sanjay Kumar)

The prayer of the writ petitioner in this case reads as under:

> " For the reasons stated in the accompanying affidavit the petitioner herein prayed this Hon'ble Court may be pleased to issue any writ order or direction more particularly in the nature of writ of Mandamus declaring the rejection order issued by the respondents 1 and 2 in proceedings No OR/ZO/NLR/RBD/CVDFS-2017-18 and possession notice issued by the 3rd respondent under SARFAESI Act dated 14052018 through its Authorized officer is illegal ultravirous against the circulars of the Bank and also against the SARFAESI Act against the principles of natural justice and consequentially direct the respondents to extend time (from June 2017) repayment holiday to until complete the M.B.B.S Course of the petitioner and to pass such other order or orders as this Hon'ble High Court deem fit and proper in the circumstances of the case."

2. The grievance of the petitioner is with regard to the action initiated by the Corporation Bank under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, the SARFAESI Act) for recovery of its dues in relation to the student loan account extended by it to the petitioner to enable him to pursue M.B.B.S. Course in Nepal. The father of the petitioner is stated to have been the co-applicant for the said loan along with the petitioner. It is not in dispute that the petitioner failed to pay the outstanding dues in relation to the said loan account in terms of the payment schedule.

3. Perusal of the affidavit reflects that no violation of the statutory mandate prescribed by the SARFAESI Act and the Rules framed thereunder is alleged against the Corporation Bank.

4. In that view of the matter, we see no ground to interfere. The writ petition is devoid of merits and is accordingly dismissed. This order shall however not preclude the petitioner from approaching the Corporation Bank seeking to reschedule his loan account on the factual grounds cited by him. It is also made clear that dismissal of the writ petition shall not preclude the bank from favourably considering such representation, if made by the petitioner, in accordance with the norms if sufficient grounds exist. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

T.AMARNATH GOUD, J

Date: 10.07.2018
TJMR