

HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No.32128 of 2018

ORDER: {Per Hon'ble Sri Justice Ramesh Ranganathan}

The relief, sought for in this Writ Petition, is for a mandamus declaring the action of the 2nd respondent-bank, in issuing possession notice dated 13.06.2018, by taking possession of the subject house property, as illegal and arbitrary.

A notice, under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the SARFAESI Act"), was issued on 19.08.2016 which records that, as against the limit of Rs.13,45,000/-, the total amount due as on that date was Rs.14,22,579/-. Thereafter, a possession notice was issued to the petitioner wherein, while referring to the Section 13(2) notice and the amounts due as reflected therein of Rs.14,22,579/-, it is also stated that, as on the date of taking possession, the total amount due was Rs.10,04,514/-.

While Sri M.Yeshwanth Kumar, learned counsel for the petitioner, would draw our attention to the letter addressed by the petitioner to the Authorised Officer on 08.08.2018 requesting him to drop all further proceedings, and to extend to him the benefit of the One Time Settlement scheme on the ground that he had already paid a sum of Rs.13,81,900/-, the question whether the petitioner is entitled to be extended the benefit of the One Time Settlement scheme are matters for the bank to consider, and not for this Court to direct.

While we see no reason to issue a mandamus to the 2nd respondent-bank directing them to reduce the interest rate, or the penalty imposed on the petitioner or to extend to him the benefit of the One Time Settlement scheme, we have no reason to doubt that the 2nd respondent-bank would

examine the petitioner's representation, and take an appropriate decision in this regard.

The Writ Petition, however, fails and is accordingly dismissed. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(RAMESH RANGANATHAN, J)

(KONGARA VIJAYA LAKSHMI, J)

10th September, 2018
JSU



HON'BLE SRI JUSTICE RAMESH RANGANATHAN
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HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI



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Date: 10.09.2018

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