

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2019

CORAM :

The Hon'ble Mr.JUSTICE Dr.VINEET KOTHARI

AND

The Hon'ble Mr.JUSTICE C.SARAVANAN

W.P.No.20091 of 2019

BIG MOBILES,

Rep by its Partner P. Karthikeyan
No.100, Solapuri Amman Koil Street,
Thotapalayam,
Vellore

.. Petitioner

-vs-

1. The General Manager,
Indian Overseas Bank,
No.763, Mount Road,
Anna Salai,
Chennai.
2. The Regional Manager,
Regional Office
Indian Overseas Bank,
10th East Cost Main Road,
Gandhi Nagar,
Vellore.
3. The Chief Manager,
Indian Overseas Bank,
Vellore Main Branch,
Vellore - 635701

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the first respondent to regularise the petitioner's Account No.010302000002969, Indian Overseas Bank, Vellore Main Branch, Vellore by considering the petitioner's representation dated 26.06.2019.

For petitioner : Mr.D.R. Arun Kumar

For respondents: Mr.F.B. Benjamin George

O R D E R

(Judgment of the Court was delivered by Dr.VINEET KOTHARI, J.,)

The petitioner M/s BIG Mobiles has filed this writ petition for a direction to the respondents Indian Overseas Bank to consider the representation of the petitioner dated 26.06.2019 for regularisation of their Account No. 010302000002969, as the petitioner borrower seems to have paid some amount against the loan. But since the respondent failed to consider the same, the petitioner borrower filed the present writ petition dated 04.07.2019 after a gap of one week only.

2. The learned counsel for the petitioner also submitted that against the coercive action taken by the respondent Bank under the SARFAESI Act, the application filed by the petitioner before the Debts Recovery Tribunal, Bench - I, is pending.

3. The learned counsel for the respondent Bank Mr.F.B. Benjamin George has also put in appearance in the present case.

4. Having heard the learned counsel for the petitioner, we are of the opinion that though the writ petition was filed on 04.07.2019, directing the respondents to consider the representation of the petitioner dated 26.06.2019 is pre-mature. We are informed by the learned counsel for the petitioner that even now, the Bank has not responded in any manner to the said representation.

5. In these circumstances, we dispose of the Writ Petition by directing the first respondent viz., The General Manager, Indian Overseas Bank, Anna Salai, Chennai to consider the representation of the petitioner dated 26.06.2019 and pass orders on merits and in accordance with law as expeditiously as possible after affording an opportunity of hearing to the petitioner by a speaking order, without prejudice to the case pending before the Debts Recovery Tribunal.

6. With the above direction, the writ petition is disposed of. No costs.

s/d-

Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

sr

To

1. The General Manager,
Indian Overseas Bank,
No.763, Mount Road,
Anna Salai,
Chennai.

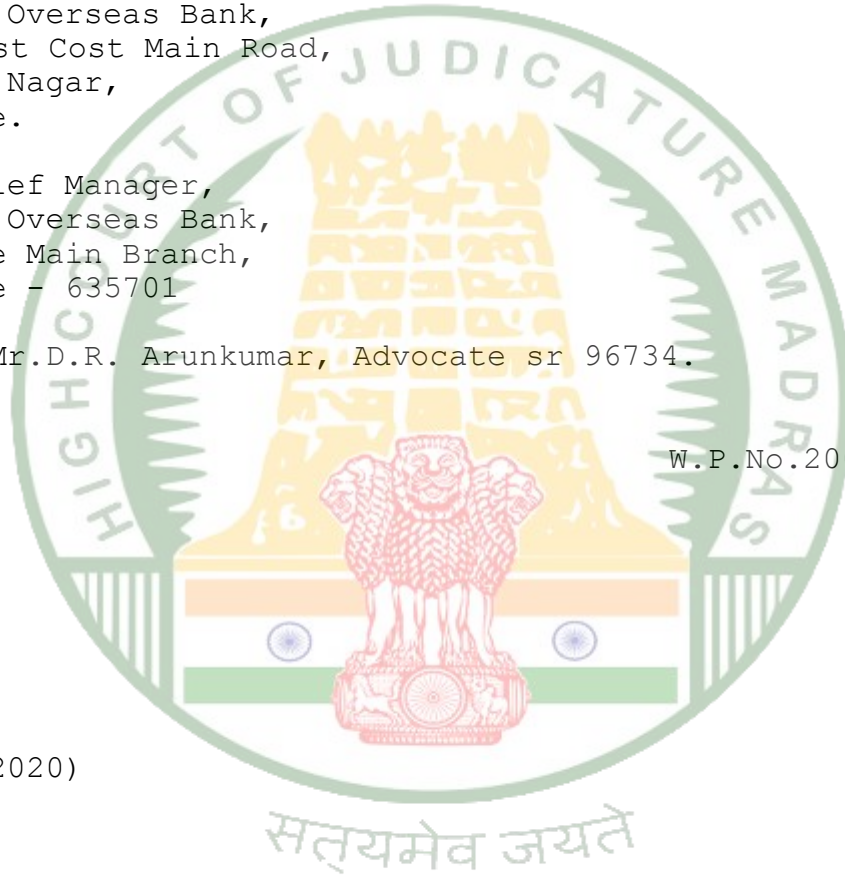
2. The Regional Manager,
Regional Office
Indian Overseas Bank,
10th East Cost Main Road,
Gandhi Nagar,
Vellore.

3. The Chief Manager,
Indian Overseas Bank,
Vellore Main Branch,
Vellore - 635701

+1 CC to Mr.D.R. Arunkumar, Advocate sr 96734.

W.P.No.20091 of 2019

SS(CO)
SP(10/01/2020)



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