

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2019

CORAM :

THE HON'BLE DR.VINEET KOTHARI, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.28599 of 2019

A.Rajadurai

.. Petitioner

-vs-

1.The Zonal Officer,
Central Bank of India,
No.49/48, Montieth Road,
Egmore, Chennai-600 008.

2.The Regional Office,
Central Bank,
No.13, Kandasamy Lay out,
1st Street, KK Road,
Villupuram 605 602,
Villupuram District.

3.The Branch Manager/Authorised Officer,
Central Bank of India,
Kallakurichi Branch,
No.9, Katcherry Road,
Kallakurichi-606 202,
Villupuram District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records relating to the possession notice published by 3rd respndent in Dinamalar Newspaper on 30.08.2019 in respect of the property situated at No.221/2, Thiruvalluvar Street, Anna Nagar, Kallakurichi 606 202, Villupura District and quash the same and subsequently direct the 3rd respondent to permit the petitioner to settle the amount in one time settlement.

For Petitioner

: Mr.A.J.Mohamed Kassim

ORDER

(Order of the Court was made by The Hon'ble Acting Chief Justice)

The petitioner, who obtained an educational loan from the respondent/Central Bank of India, has filed this writ petition with a prayer that the possession of the immovable property, which was given as collateral security for the said educational loan, is sought to be taken over by way of possession notice issued under Sections 13(2) and 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. The learned counsel for the petitioner, Mr.A.J.Mohamed Kassim, submitted that the one time settlement (OTS) proposal given to the bank vide representation dated 18.9.2019 has not been so far considered by the respondent/bank. He drew our attention to the Guidelines issued by the Reserve Bank of India regarding recovery of educational loan in the year 2019 and further submitted that his representation dated 18.9.2019 deserves to be considered by the respondent/bank

3. In these circumstances, we dispose of this writ petition by directing the petitioner to appear before the concerned competent authority of the respondent/bank, namely, the Zonal Officer, Central Bank of India, No.49/48, Montieth Road, Egmore, Chennai - 600 008, on 15.10.2019 and the said respondent shall grant an opportunity of hearing to the petitioner and pass appropriate orders on the OTS proposal of the petitioner. In case any adverse orders are passed against the petitioner or the bank cannot accept the OTS proposal, then the petitioner will be free to approach the Debts Recovery Tribunal against the measures taken under Section 13(2) and 13(4) of the Act, in accordance with law.

With these observations, the writ petition is disposed of. Consequently, W.M.P.Nos.28351, 28353 and 28355 of 2019 are closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To:

1.The Zonal Officer,
Central Bank of India,
No.49/48, Montieth Road,
Egmore, Chennai-600 008.

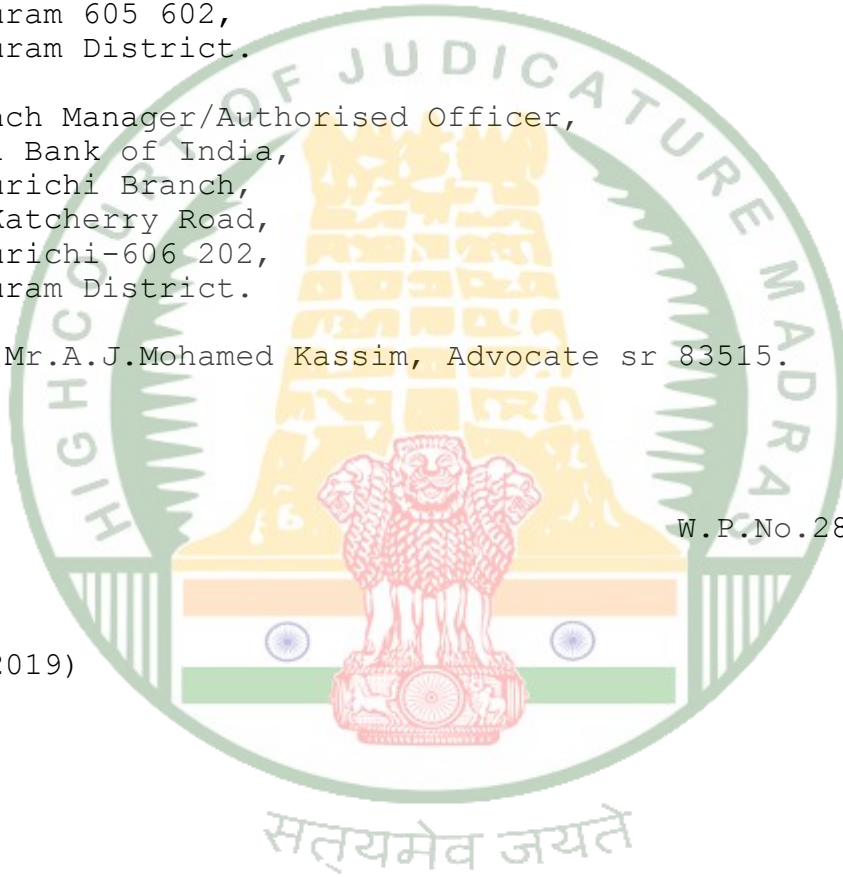
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Villupuram District.

+2 Ccs to Mr.A.J.Mohamed Kassim, Advocate sr 83515.

W.P.No.28599 of 2019

VBA(CO)
SP(04/10/2019)



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