



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2019

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MRS. JUSTICE R.THARANI**

Writ Petition(MD)No.4648 and 4599 of 2019
and
W.M.P.(MD).No.3702 and 3674 of 2019 (respectively)

G.Robertsam .. Petitioner in W.P.
(MD).No.4648 of 2019

G.SarojaSamlet Latha .. Petitioner in W.P.
(MD).No.4599 of 2019

Vs.

1.The Assistant General Manager,
Stressed Assets Recovery Branch (SARB)
State Bank of India, Vinayaka Nagar Branch(Upstairs)
No.2, Dr.Ambedkar Road, Madurai-20.

2.The Branch Manager,
State Bank of India,
Nagercoil SME Branch,
Kanyakumari District.

..Respondents in both W.Ps

Prayer in W.P. (MD).No.4648 of 2019: Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Mandamus directing the respondents to process the One Time Settlement proposal bearing reference No.VSM/OTS/18-19/6D dated 13.08.2018 and accept a sum of Rs.23,28,014.00 and relieve the petitioner from the debt of the bank due to account No.31797510388by considering the representation of the petitioner dated 22.02.2019 and forbear the respondents from initiating any coercive recovery proceedings.

Prayer in W.P. (MD).No.4599 of 2019: Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Mandamus directing the respondents to process the One Time Settlement proposal bearing reference No.VSM/OTS/18-19/99B dated 10.08.2018 and accept a sum of Rs.28,68,675.00 and relieve the petitioner from the debt of the bank due in account No.32195863716 by considering the representation of the petitioner dated 22.02.2019 and forbear the respondents from initiating any coercive recovery proceedings.



In both W.Ps:

For Petitioner : Mr.K.Kumaravel
For Respondents : Mr.A.R.M.Ramesh

C O M M O N O R D E R

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[Order of the Court was made by **K.KALYANASUNDARAM, J**]

These writ petitions have been filed by the husband and wife praying for issuance of writ of mandamus directing the respondents to process the One Time Settlement proposals, dated 13.08.2018 and 10.08.2018 respectively and accept the amount, by considering their representation, dated 22.02.2019 and forbear the respondents from initiating any coercive recovery proceedings.

2.The learned Standing Counsel for the respondent would state that every year, the State Bank of India, is issuing One Time Settlement Scheme with a specific object for collection of non performing accounts. According to the learned counsel, one of the salient features of this scheme is non-discretionary and non-discriminatory. The period also expired in the month of August 2018 and hence, the respondents cannot consider the representations of the petitioners. The learned Standing Counsel has also produced a circular issued by the State Bank of India in SBI OTS II 2018, dated 09.08.2018 for perusal of the Court.

3.The learned Standing Counsel would also contend that the OTS Scheme is between the Banker and the Borrower and there is no compulsion for the respondent Bank to accept the proposal under the OTS scheme. Further, the scheme was not issued to a single individual, it gives benefits to all the subscribers of the respondent Bank.

4.In the light of the above fact, we find no merits in these writ petitions. Accordingly, the writ petitions fail and the same are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

+2CC TO Mr.K.Kumaravel, Advocate, Sr Nos.52527

+2CC TO Mr.A.R.M.Ramesh, Advocate, SR Nos.52318,52319

Writ Petition (MD)Nos.4648 and 4599 of 2019
07.03.2019

vs

KK/05.04.2019/2P.5C

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