



**W.P.(MD).No.19498 of 2019**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mr.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) .No.19498 of 2019

C.Vallinayagam

... Petitioner

Vs.

1.The Assistant General Manager,  
Indian Overseas Bank,  
Zonal Office,  
Tirunelveli District.

2.The Manager,  
Indian Overseas Bank,  
Coutralam Branch,  
Tirunelveli District.

... Respondents

PRAYER:This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to permit the petitioner to pay the said loan amount at one Time Settlement (OTS) and do not take any further actions of e-auction which is scheduled to be held on 16.09.2019 on the basis of the petitioner's representation dated 21.08.2018.

For Petitioner : Mr.K.Kevinkaran

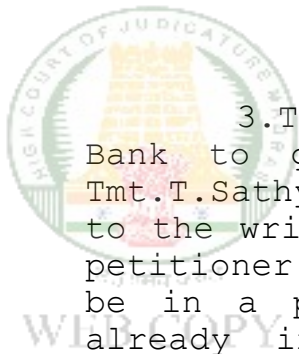
For Respondents : Mr.N.Dilipkumar

**ORDER**

**(Order of this Court was made by T.S.SIVAGNANAM, J)**

Heard Mr.K.Kevinkaran, learned counsel appearing for the petitioner and Mr.N.Dilipkumar, learned Standing Counsel accepted notice on behalf of the respondents.

2.By consent of either side, this writ petition is taken up for disposal.



3.The petitioner seeks for a direction upon the respondent Bank to grant one time settlement of a loan availed by one Tmt.T.Sathya, W/o.G.Thangapandian. The said borrower is not a party to the writ petition. Unless and until the borrower agrees for the petitioner to settle the loan amount to the Bank, the Bank will not be in a position to accept the settlement offer. The Bank has already initiated proceedings under the SARFASI Act and the properties are to be brought for sale on 16.09.2019.

4.In the light of these facts we cannot issue a direction as sought for. However considering the facts that the public money has been lent to the borrower, every step should be taken by the Bank to recover the same at the earliest. Therefore, we dispose of the writ petition by giving liberty to the petitioner to take the borrower along with him to the respondent Bank and submit his offer for settlement of the entire loan. In the alternative, we give liberty to the petitioner to participate in the auction scheduled to be held on 16.09.2019.

5.With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To:

1.The Assistant General Manager,  
Indian Overseas Bank,  
Zonal Office,  
Tirunelveli District.

2.The Manager,  
Indian Overseas Bank,  
Coutralam Branch,  
Tirunelveli District.

+1 CC to M/s.N.DILIPKUMAR, Advocate ( SR-86168[F] dated 10/09/2019 )

+1 CC to M/s.K.KEVINKARAN, Advocate ( SR-86179[F] dated 10/09/2019 )

W.P. (MD) .No.19498 of 2019  
09.09.2019

Ns

JMN(17.09.2019) 2P : 5C