

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE R.HEMALATHA

W.P.No. 4129 of 2020
& W.M.P.Nos 4886 of 2020

K.A.Mansoor

.. Petitioner

vs

The REPCO Bank
Rep by its Authorised Officer,
Asset Recovery Management Branch,
Chennai, Repco Tower,
33 North Usman Road,
T.Nagar, Chennai 17.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records on the file of the Respondent made in RC.No. SDL-47 and 48/2018-19/ CHARM dated 23.5.2019 and quash the same and consequently direct the respondent to consider the request made by the petitioner for One Time Settlement for the closure of the Loan Account Nos. SDL and 48 permit the petitioner to go for OTS.

For Petitioner .. Ms.Selvi George
For Respondents .. Mr.A.Ilangovan

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The, petitioner who is a borrower, has come forward to file this writ petition, challenging the proceedings of the respondent Bank, by which a letter was given for one time settlement more than a year ago on 23.05.2019.

2.Though the learned counsel appearing for the petitioner submitted that the petitioner is ready and willing to pay some amount provided adequate concession waiver is granted, learned counsel appearing for the respondent Bank submitted that the petitioner has been given the maximum concession in accordance with law, which he is not utilising.

3.This is only a commercial transaction between the petitioner and the respondent. This Court has got no role to play insofar as the one time settlement is concerned. The position of law is settled quite a long time back. In such view of the matter, we are inclined to entertain the writ petition only to facilitate the petitioner to resolve the dispute.

4.We are not inclined to keep the writ petition pending any longer. However, considering the fervent plea of the learned counsel appearing for the petitioner, we direct the respondent to defer the proposed auction by two more weeks so as to enable the petitioner to make a last attempt to resolve the dispute. We can only hope and trust that the respondent Bank will consider the case of the petitioner sympathetically and of course, in accordance with law. Accordingly, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mmi/ssm
To

The Authorised Officer,
REPCO Bank,
Asset Recovery Management Branch,
Chennai, Repco Tower,
33 North Usman Road,
T.Nagar, Chennai 17.

सत्यमेव जयते

W.P.No. 4129 of 2020

VSNI (CO)
SP (12/10/2020)

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