

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.34686 of 2019

S.Venkatesh

.. Petitioner

Vs.

1.The Authorised Officer,
City Union Bank,
No.248, Gandhi Nagar,
Kumbakonam, Thanjavur District.

2.The Chief Manager,
City Union Bank,
Vilankurichi Branch, Coimbatore,
Coimbatore District.

3.M/s.Best Ceramics,
No.2248-C Trichy Road,
Near Shanthi Petrol Bunk,
Singanallur, Coimbatore,
Coimbatore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing respondents 1 and 2 to consider the proposal of the petitioner for one time settlement based on the petitioner's representation dated 19.11.2019 submitted with regard to loan account A/c Nos.OLCC No.053120000182502 and OSL Spl.No.501812080016971 and A/c No.CUB OSL Term EMI BR No.5301200258606 on the file of the second respondent bank duly taking into account of earlier payment of Rs.64,00,000/- and Rs.95,00,000/- in total Rs.1,59,00,000/- made to the second respondent Bank.

For Petitioner

.. Mr.A.Ramalingam

For Respondents

.. Mr.S.Sethuraman for R1
Notice sent - R2 & R3

ORDER

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

Seeking a direction to respondents 1 and 2 to consider the proposal of the petitioner for one time settlement based on his representation dated 19.11.2019 submitted with regard to loan account A/c Nos.OLCC No.053120000182502 and OSL Spl.No.501812080016971 and A/c No.CUB OSL Term EMI BR No.5301200258606 on the file of the second respondent bank duly taking into account of earlier payment of Rs.64,00,000/- and Rs.95,00,000/- in total Rs.1,59,00,000/- made to the second respondent Bank, the present writ petition has been filed.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent.

3.Law is quite settled that no writ of mandamus can be issued to the lender Bank to consider the one time settlement. In the case on hand, one time settlement is stated to have been considered already. On refusal by the Bank, the petitioner had approached the Debts Recovery Tribunal and obtained an interim order. The conditional order has also been complied with. However, the proposed sale was cancelled and thereafter fresh sale notice has been issued. Therefore, we are not inclined to entertain the writ petition.

4.If the petitioner is of the view that fresh sale notice issued is contrary to the order passed by the Debts Recovery Tribunal, particularly, in the light of the compliance made by the petitioner, he has to approach the said forum. We also note that the second sale notice is not challenged before us.

5.In such view of the matter, the writ petition stands closed, giving liberty to the petitioner to work out the remedy before the Debts Recovery Tribunal. No costs.

Sd/-

Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

mmi

To

1.The Authorised Officer,
City Union Bank,
No.248, Gandhi Nagar,
Kumbakonam, Thanjavur District.

2.The Chief Manager,
City Union Bank,
Vilankurichi Branch, Coimbatore,
Coimbatore District.

3. The Debts Recovery Tribunal,
Chennai.

+1cc to Mr.A.Ramalingam, Advocate SR.No.23148

+1cc to Mr.S.Sethuraman, Advocate SR.No.23812

W.P.No.34686 of 2019

VG II(CO)
GMY(31/07/2020)



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