



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.8851 and 8854 of 2020

and

W.M.P.(MD)Nos.8112 and 8115 of 2020

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Shri Govindaraja Mills Pvt. Ltd.,
Rep. by its Director Mr.S.Baskaran,
No.258, Thiruchuli Road,
Aruppukottai,
Virudhunagar - 626 101.

... Petitioner in both W.Ps

Vs.

1.The Manager,
State Bank of India,
Siruthozhil Branch,
No.185, Dharma Building, First Floor,
Madurai Road,
Aruppukottai - 641 037.

2.The Deputy General Manager,
State Bank of India,
Stressed Assets Management Branch,
No.1112, Raja Plaza,
Avinashi Road,
Coimbatore - 641 037.

3.M/s.S.M.Associates,
No.5, Rathinasamy Nadar Cross Street,
Indian Bank Upstairs,
B.B.Kulam,
Madurai - 625 002.

... Respondents in both W.Ps

Common Prayer: Writ petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, restraining the respondents from seizing the petitioner's vehicles bearing registration No.PY 02 S 0969 Toyota Camry Car and bearing Registration No.PY 02 S 5969 Toyota Innova Car respectively.

(in both W.Ps)

For Petitioner	: Mr.B.Natarajan
For Respondents	: Mr.N.Dilipkumar for R1 and R2 R3 dispensed with.



C O M M O N O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned standing counsel appearing for the respondents/Bank. Considering the nature of relief to be granted, notice to the third respondent is dispensed with.

2.The petitioner has availed loans from several banking institutions. The exposure appears to be substantially high. Be that as it may, State Bank of India, Siruthozhli Branch, has also advanced two car loans to the petitioner herein. The petitioner has defaulted and the current outstanding alone comes to more than Rs.16,00,000/-. The petitioner apprehends that the third respondent appointed by the Bank as the recovery agent may seize the vehicles at any moment.

3.He therefore has come to this Court for restraining the respondents from seizing the petition mentioned vehicles.

4.When the matter was taken up for hearing, the learned standing counsel for the respondents/Bank submitted that the petitioner had approached the respondents/Bank and had agreed to clear the outstanding arrears of Rs.16,00,000/- on or before 31.08.2020. The Bank had also assured the petitioner that the petition mentioned vehicles will not be touched till then. The grievance of the Bank is that having given such an undertaking before the Bank, the petitioner ought not to have rushed to this Court.

5.The petitioner's counsel wanted me to take note of the severe losses faced by the various establishments.

6.Taking note of the submission made by the petitioner's counsel and the statement made by the learned standing counsel for the Bank, the petitioner is given time till 30.09.2020 for clearing the outstanding arrears, that may have accrued till 30.09.2020, in respect of two car loans. If the petitioner clears the said arrears that had accrued by the said date, of course the respondents/Bank will not take recourse seizure of the petition mentioned vehicles. If the petitioner is not abiding by the undertaking given before this Court to clear the outstanding arrears of the two car loans by then, the respondents/Bank will of course be at liberty to take further action. The petitioner's counsel on instructions gives a specific undertaking that he would not challenge any such recovery measures that may be taken by the Bank as far as these two vehicles are concerned.



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W.P.(MD)Nos.8851 and 8854 of 2020

7. The writ petitions are disposed of on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ias/dss

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to M/s.N. DILIPKUMAR, Advocate (SR-13768[F]
dated 06/08/2020)

W.P.(MD)Nos.8851 and 8854 of 2020
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TR(12.08.2020) 3P 2C