

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.2466 of 2021

1. M/s. Malliah Tea Factory Pvt. Ltd.
rep. by its Managing Director Sheelavathy Ramu
No.9, Highfield Cottage
Coonur 643 101
The Nilfiris.
2. Sheelavathy Ramu
3. Praveen Dileep ... Petitioners

Vs.

1. The District Collector
Udagamandalam
Coonur
The Nilgiris Dt.
2. The Deputy General Manager
Tamilnadu Mercantile Bank Ltd.
Coimbatore Regional Office
No.540, D.B.Road, First Floor
R.S.Puram
Coimbatore 641 002.
3. The Authorised Officer
Tamilnadu Mercantile Bank Ltd.
No.278, 1st Floor, YMCA Corner
Mount Road, Coonur -2
The Nilgiris Dt. ... Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents invoking the special original jurisdiction under Article 226 of the Constitution of India to consider the representation dated 29.06.2020 to the second and third respondent and to forbear the first respondent from proceeding with the proceedings under reference No.B3/13104/2019 dated 09.11.2020 for taking physical possession of the mortgaged asset namely Malliah Tea Factory

Pvt. Ltd. at Bengalmattam Post, Ooty Taluk 643 204, in terms of 14(1) of the SARFAESI Act.

For Petitioner : Mr.S.Kalyanaraman

ORDER

(Made by the Hon'ble Chief Justice)

The petitioner has obtained credit facilities from the respondent bank and seeks to stall the repayment of the dues on the ruse of the pandemic. The petitioner claims that there is a covid package which has been announced by the Government which would be applicable to it.

2. If there is any package which applies to the petitioner, there is no doubt that the respondent bank can take the same into consideration. No mandamus can lie in respect of commercial loans extended by banks to any private party.

W.P.No.2466 of 2021 is disposed of with the above observation. There will be no order as to costs. Consequently, WMP No.2779 of 2021 is closed.

Sd/-
Assistant Registrar(CS IV)

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Sub Assistant Registrar

kpl

To

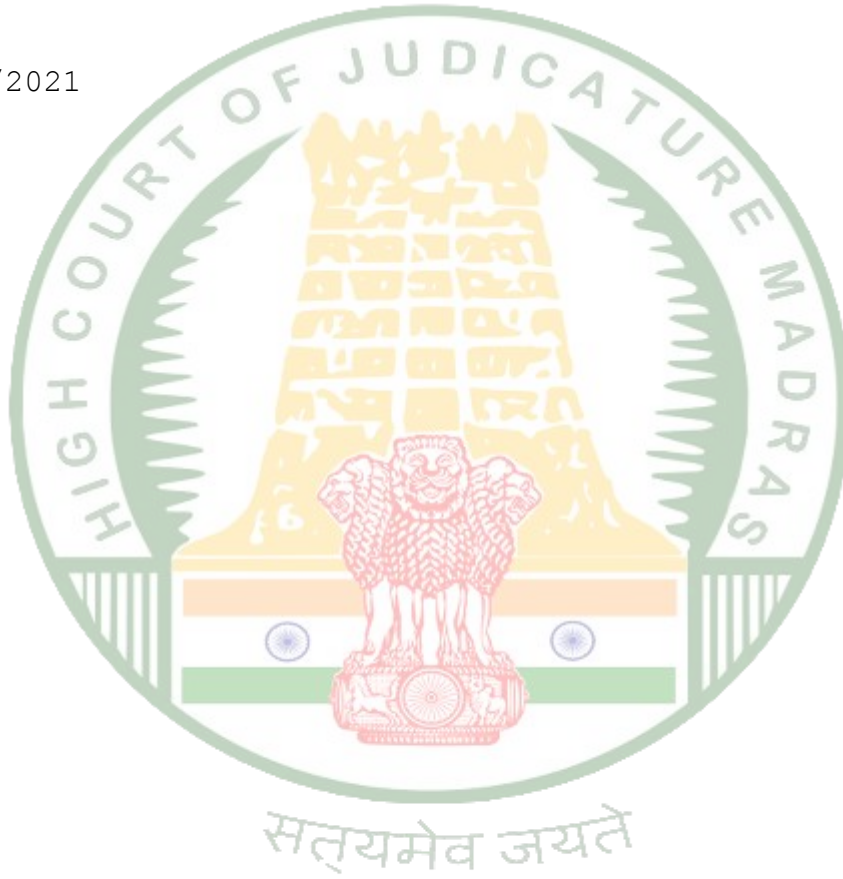
- 1.The District Collector,
Udagamandalam, Coonur,
The Nilgiris Dt.
2. The Deputy General Manager,
Tamilnadu Mercantile Bank Ltd.
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+lcc to Mr.S.Kalyanaraman, Advocate Sr.6450

W.P.No.2466 of 2021

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