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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.14325 of 2011
and
M.P.Nos.1& 2 of 2011

N.Saravanan

... Petitioner

Vs.

1.The General Manager,
Department of Banking Supervision,
Reserve Bank of India,
Fort. Glacis, Rajaji Salai,
Chennai - 600 001.

2.The Chief Manager,
State Bank of India,
Namakkal - 637 001.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the 2nd respondent from seize the petitioner's tractor bearing registration No.TN 28 P 8512 due process of law.

For Petitioner	:	Mr.M.Subash Babu
For Respondent 1	:	No Appearance
For Respondent 2	:	Mr.K.Saravanan

O R D E R

The relief sought for in the present Writ Petition is to forbearing the 2nd respondent from seizing the petitioner's tractor bearing registration No. TN 28 P 8512. The petitioner states that he had borrowed a tractor loan from the 2nd respondent on 06.03.2006 for agricultural purpose. The petitioner had handed over 4 acre land documents and deposit of title deed. The father of the petitioner stood as a guarantor to the loan amount of Rs.5,40,000/-. The petitioner states that he was paying the loan installments regularly.

2. The learned counsel for the petitioner made a submission that the tractor loan amount has already been waived by the 2nd



respondent, State Bank of India. In this regard, the State Bank of India has also issued a letter. In view of the fact that the loan amount has already been waived, the petitioner is not liable to pay any other installments.

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3. The learned counsel appearing on behalf of the 2nd respondent, State Bank of India, disputed the contentions of the petitioner by stating that the loan amount has not been waived in the case of the petitioner. He said that the petitioner is a defaulter. The allegations raised in the Writ Petition are denied by the 2nd respondent. The petitioner has rushed to the High Court before initiation of proceedings and obtained interim orders and therefore the 2nd respondent bank is unable to proceed against the petitioner for recovery of loan dues. The learned counsel for the 2nd respondent made a submission that they have initiated an action for recovery of loan dues by following the procedures as contemplated.

4. If at all the petitioner claims that the loan amount had already been waived, it is for the petitioner to place all the records before the State Bank of India to establish his case. With reference to the letter dated 05.08.2008 laid on by the petitioner regarding the waiver of loan the learned counsel for the respondent states that waiver of the loan was to the extent of Rs.1,97,375/-.

5. The learned counsel for the respondent states that the petitioner is not eligible for the benefit of waiver and in this regard the learned counsel for the 2nd respondent relied on the letter dated 19.05.2011. In the said letter, it is categorically stated that the borrower was not eligible for waiver under ADWRS 2008. As on the year 2011, the borrower has repaid a sum of Rs.2,02,375/-. Thus, the total due as on 19.05.2011 was also calculated and communicated.

6. This Court is of the considered opinion that admittedly the petitioner had borrowed a loan on terms and conditions. On violation of such terms and conditions, the 2nd respondent bank initiated an action. The petitioner claims waiver of loan, however, the 2nd respondent denied the said claim.

7. Under these circumstances, the relief sought for to forbearing the 2nd respondent from initiating action in respect of the loan borrowed, cannot be granted and if at all any grievances exist in respect of the waiver of the loan, it is left open for the petitioner to approach the competent authority along with the necessary documents.



8. With these observations, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

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Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

shr/Kan

To

1.The General Manager,
Department of Banking Supervision,
Reserve Bank of India,
Fort. Glacis, Rajaji Salai,
Chennai - 600 001.

2.The Chief Manager,
State Bank of India,
Namakkal - 637 001.

+1cc to Mr.M.Subash Babu, Advocate SR.No.59543

W.P.No.14325 of 2011
and
M.P.Nos. 1 & 2 of 2011

KSM(CO)
GN(01/12/2021)