



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.07.2021

CORAM:

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.15386 of 2021

and

W.M.P.No.16277 of 2021

V.K.P.Sakthivel

...Petitioner

Vs.

- 1 The Executive Director and Recovery
Canara Bank Head Office
Bangalore-560 002.
 - 2 The Chief General Manager
Canara Bank Circle Office
Teynampet Chennai.
 - 3 The Deputy General Manager
Registered Office
Canara Bank, Saradha College Road
Alagapuram, Salem- 16.
 - 4 The Authorized Officer / Chief Manager
Canara Bank, Salem Azhagapuram Branch, First Floor,
Saradha Vidhyalaya Girls Hr.Sec. School Campus
Fairlands, Salem-636 016.
- ...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records on the file of the learned Chief Judicial Magistrate, Salem in Crl. M.P.No.345/2020 order dated 9.4.2021 and quash the same and consequently direct the respondents to extend the time up to 31.10.2021 for One Time Settlement (OTS) of loan amount.

For Petitioner : Mr.R.Chandrasekaran

For Respondents : Mr.R.Umasuthan



ORDER

(Made by the Hon'ble Chief Justice)

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This petition is utterly misconceived and no relief can be granted to the petitioner herein.

2. The petitioner has defaulted in making repayment to the respondent secured creditor and, now, seeks to challenge an order of April 9, 2021 passed by the Chief Judicial Magistrate, Salem on a request under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 received from the secured creditor.

3. The prayer in the writ petition is for quashing the order dated April 9, 2021 and for directing the secured creditor to extend the time for making payment in terms of the one-time settlement offer till October 31, 2021.

4. Section 14 of the Act does not involve any adjudication and no notice is required to be issued to any person by an authority on receipt of a request under such provision. A borrower cannot reasonably be aggrieved by the executive assistance rendered to a secured creditor under Section 14 of the Act. What the borrower may be aggrieved by is the adoption of any measure under Section 13 (4) of the Act and the borrower may complain in such regard to the jurisdictional Debts Recovery Tribunal under Section 17 of the Act.

5. As far as the extension of time for the OTS is concerned, the Writ Court would, ordinarily, not interfere in the private matter between a bank and its constituent or between a secured creditor and the borrower. Further, it must be kept in mind that nationalised banks as the secured creditor in this case would offer similar terms to similarly placed constituents and it would be injudicious on the part of the court to extend the time because a litigant is before court while several others, similarly placed, may suffer the prejudice and not be able to avail of the scheme.

6. For the reasons aforesaid, the petitioner is not entitled to any relief though it will be open to the petitioner to approach the appropriate Debts Recovery Tribunal under Section 17 of the Act in accordance with law.

7. W.P.No.15386 of 2021 is dismissed. There will be no order as to costs. Consequently, W.M.P.No.16277 of 2021 is closed.



8. It is submitted on behalf of the secured creditor that an earlier writ petition, W.P.No.1017 of 2021, was moved by this petitioner before a Single Bench seeking extension of time to make payment in terms of the OTS but an interim order was declined. Such petition, W.P.No.1017 of 2021 should appear on 28.07.2021 so that the same may be disposed of in the light of the present order.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sra

To:

- 1 The Executive Director and Recovery
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+1cc to M/s.R.Chandrasekaran, Advocate, S.R.No 30903

W.P.No.15386 of 2021

RSI (CO)
RN(27/07/2021)