



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.2690 of 2021

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M/s.Sunaichandran Mills (P),
Represented by its Director,
T.Sunaichandran,
S/o.Thalaimuthu,
D.No.55, Y/1A, Naidu South Street,
Chettiyarpatti Panchayat Post,
Rajapalayam,
Virudhunagar District.

... Petitioner

Vs.

1.The Reserve Bank of India,
Represented by its Regional Director,
16, Rajaji Salai,
Chennai.

2.The General Manager,
The Indian Bank,
Head Office,
Chennai.

3.The Regional Manager,
Indian Bank,
Regional Office,
Karaikudi,
Sivagangai District.

4.The Manager,
Indian Bank,
Rajapalayam Branch,
Thenkasi Road,
Rajapalayam,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 to 4 to restructure petitioner's account in A/c.No.888864823, Indian Bank, Rajapalayam Branch and to provide subordinate debt to the petitioner by considering the petitioner's representations dated



07.07.2020 and 10.07.2020 as per the Credit Guarantee Scheme for Subordinate Dept.

For Petitioner

: Mr.Swarnam J.Rajagopalan
for Mr.R.Niresh Kumar

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For R - 4

: Mr.Jawahar Ravindran

ORDER

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

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondents 2 to 4 to restructure the petitioner's account and to provide subordinate debt to the petitioner by considering the petitioner's representations dated 07.07.2020 and 10.07.2020, as per the Credit Guarantee Scheme for Subordinate Dept.

2.It is not in dispute that the petitioner availed open cash credit advance, term loan and housing loan and as of 10.05.2019, a sum of Rs.4,14,06,596/- is due and payable by them to the respondents Bank. Since the petitioner had committed default in repaying the loan, the respondents Bank initiated proceedings under the SARFAESI Act and the property of the petitioner was brought to sale. The petitioner challenged the E-Auction notice before the Debts Recovery Tribunal and the Debts Recovery Tribunal granted an order of interim stay on condition that the petitioner paying a sum of Rs.5,00,000/- to the respondents Bank on or before 16.03.2020, another sum of Rs.41,29,000/- on or before 15.04.2020, further a sum of Rs.41,29,000/- on or before 15.05.2020 and the last installment of Rs.41,29,000/- on or before 15.06.2020, however, the petitioner has not complied with the conditional order. Hence, the interim stay granted by the Tribunal was automatically vacated.

3.When the SARFAESI appeal in S.A.No.125 of 2020 is pending before the Debts Recovery Tribunal, Madurai, the petitioner has filed the present Writ Petition seeking for the relief as mentioned above. When it is evident that the petitioner is a chronic defaulter, we are not inclined to grant any relief to the petitioner. It is pertinent to note that the respondents Bank is dealing with the public money and therefore necessary steps should be taken to recover the outstanding amount from the defaulters without any delay. In these circumstances, the Writ Petition stands dismissed. No costs.

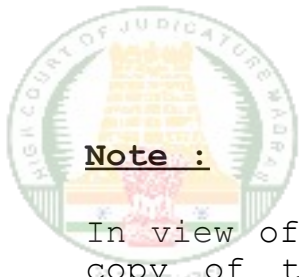
Sd/-

Assistant Registrar (CS I)

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/ /2021

Sub Assistant Registrar(CS)



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.

**W.P (MD) No.2690 of 2021
24.09.2021**

MGJ(04.10.2021) 3P 1C