



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.8062 of 2021

and W.M.P.(MD) No.6161 of 2021

(Through Video Conference)

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S.Idaiyathulla

...Petitioner

Vs.

1) The Regional Manager,
State Bank of India,
Thanjavur District.

2) The Authorized Officer,
State Bank of India,
Santhaipettai Road,
Aranthangi,
Pudukkottai District.

3) The Branch Manager,
State Bank of India,
Santhaipettai Road,
Aranthangi,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to accept the petitioner's request for One Time Settlement in respect of 5 cents of Arasarkulam Melpathi Village, Pudukkottai District by considering the petitioner's representation dated 27.03.2021.

For Petitioner : Mr.K.Baalasundharam

For Respondents : Mr.G.Radhakrishnan

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondent Back to accept the One Time Settlement that was offered by the petitioner through representation dated 27.03.2021.

2. When the matter was taken up for admission on 27.04.2021, this Court passed the following order:

" Learned counsel for the petitioner submitted that a proposal has been given to the Bank towards One Time Settlement. The learned counsel appearing on behalf of the Bank submitted that the loan account of the petitioner has already been declared to be an NPA



and proceedings have been initiated for recovery of the loan. The learned counsel further submitted that the petitioner has to repay back the loan and unless a reasonable amount is suggested towards One Time Settlement, the same cannot be accepted by the Bank.

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2. In the considered view of this Court, this Court cannot give any positive directions to the Bank to accept the One Time Settlement. It can only happen through negotiations and if it is accepted, the parties can proceed further and settle the matter. If it is not accepted, it is left open to the Bank to proceed further in accordance with law. This Writ Petition was entertained more on mercy grounds and this Court did not find any legal right on the part of the petitioner. Post this case under the caption 'for orders' on 02.06.2021. "

3. When the matter was taken up for hearing on 22.06.2021, this Court passed the following order:

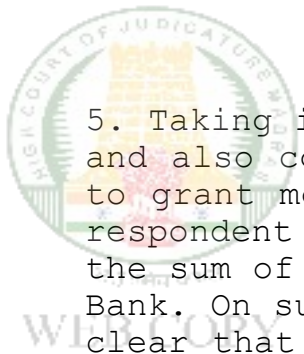
"The learned counsel appearing for the respondent Bank submitted that the petitioner has not given any offer till date and as on date, the petitioner is due and payable a sum of Rs.28 lakhs.

2.The learned counsel for the petitioner submitted that the petitioner is willing to pay Rs.15 lakhs towards one time settlement within a period of two months.

3.In reply to the said submission, the learned counsel for the respondent bank submitted that the branch manager can only forward this proposal to the Regional Manager and it has to be approved by the Regional Manager.

4.The petitioner is directed to make a representation to the third respondent on the one time settlement on or before 25.06.2021. The third respondent, on receipt of the same, shall forward it to the Regional Manager, namely, the first respondent. The first respondent shall take a decision and accordingly instruct the counsel appearing on behalf of the bank. Post this case under the caption for orders on 06.07.2021. "

4. When the matter was taken up for hearing today, the learned counsel appearing on behalf of the respondent Bank submitted that the letter given by the petitioner offering for One Time Settlement was considered and the Regional Manager has given approval for a One Time Settlement, on payment of Rs.19,50,000/- (Rupees Nineteen Lakhs and Fifty Thousand only) within a period of two months.



5. Taking into consideration the facts and circumstances of the case and also considering the pandemic situation, this Court is inclined to grant more time to the petitioner than what was offered by the respondent Bank. Accordingly, the petitioner is directed to settle the sum of Rs.19,50,000/- on or before 11.10.2021 to the respondent Bank. On such settlement, the mortgage shall be redeemed. It is made clear that if the petitioner does not settle this amount within the time stipulated by this Court, the respondent Bank is at liberty to initiate contempt proceedings against the petitioner. This direction is issued in view of the fact that this Court had stopped the respondent Bank from bringing the property for sale and had also given sufficient time to the petitioner to settle the loan amount. If the petitioner goes back on the directions issued by this Court, the Bank cannot be made to run behind the petitioner. Therefore, the petitioner must bear in mind that the order passed by this Court will have to be complied with without fail.

6. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected W.M.P.(MD) No.6161 of 2021 is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.*

To:

- 1) The Regional Manager,
State Bank of India,
Thanjavur District.
- 2) The Authorized Officer,
State Bank of India,
Santhaipettai Road,
Aranthangi,
Pudukkottai District.



3) The Branch Manager,
State Bank of India,
Santhaipettai Road,
Aranthangi,
Pudukkottai District.

+1 CC to M/s.G.RADHAKRISHNAN, Advocate (SR-21907[F] dated
09/07/2021)

Order made in
W.P. (MD) No.8062 of 2021
Dated:
08.07.2021

MGJ(16.07.2021) 4P 5C