



WEB COPY

W.P.(MD).Nos.11549 and 11550 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) Nos.11549 and 11550 of 2021

and

W.M.P (MD) Nos.9064 and 9067 of 2021

W.P. (MD) No.11549 of 2021

1. K.Yogaraja
2. Y.Sangeetha

... Petitioners

Vs

The State Bank of India,
Thuraiyur - 621 010,
Trichy District,
Rep. by its Branch Manager.

... Respondent

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondent to consider the representation of the petitioners dated 20.04.2021.

W.P. (MD) No.11550 of 2021

1. Y.Sangeetha
2. K.Yogaraja

... Petitioners

Vs

The State Bank of India,
Thuraiyur - 621 010,
Trichy District,
Rep. by its Branch Manager.

... Respondent

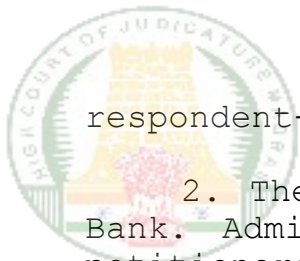
PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the respondent to consider the representation of the petitioners dated 20.04.2021.

For Petitioners	: Mr.V.Singan (in both writ petitions)
For respondent	: Mr.M.Ponniah, (in both writ petitions)

COMMON ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

We have heard Mr.V.Singan, learned counsel appearing for the petitioners and Mr.M.Ponniah, learned counsel appearing for the



respondent-Bank.

2. The petitioners are borrowers of loan from the respondent-Bank. Admittedly, they have defaulted in repayment of loan. The petitioners seek for a Writ of Mandamus to direct the respondent-Bank to consider the representation dated 20.04.2021, which according to the learned counsel for the petitioner is a proposal for an one-time settlement. On reading of the representation, we find that there is no such proposal. The petitioners seek for release of one of the properties, which have been mortgaged to enable them to repay the outstanding. Such a representation cannot be directed to be considered by this Court.

3. If the petitioners are genuinely interested in settling the outstanding, they should make a definite offer to the respondent-Bank, clearly indicating as to how much they will able to pay. It is only thereafter, the respondent-Bank will consider the request in terms of the relevant guidelines. If they are satisfied with the genuineness of the offer, then they will place certain conditions on the petitioners. Subject to the fulfillment of the conditions within a time permitted by the respondent-Bank, the one-time settlement will be considered.

4. Therefore on the representation dated 20.04.2021, we cannot issue any direction as sought for. However, we dispose of these writ petitions by giving liberty to the writ petitioner to make a specific offer to the respondent-Bank, as to what is the outstanding liability which is admitted by them and how they proposed to liquidate the outstanding. If the representation is given in full form, it is open to the respondent-Bank to consider the same in accordance with the relevant guidelines. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : 1. 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.

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13.07.2021

RD(20.07.2021) 2P 1C