



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.18818 of 2021

WEB COPY

Mayi Machakalai

... Petitioner

Vs.

1.The Chief Manager-cum-Authorized Officer,
Punjab National Bank,
Circle Office,
Madurai.

2.The Branch Manager-cum-Authorized Officer,
Punjab National Bank,
T.S.No.1680 Periyakulam Road,
Opposite to Municipal Office,
Theni - 625 531.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the request of the petitioner for payment of entire arrears together reasonable rate of interest and for restructuring further installment payment by the petitioner as per request dated 13.08.2021 in respect of Account No.437300AG00000786.

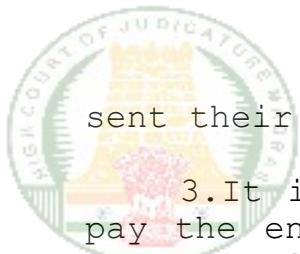
For Petitioner : Mr.K.Appadurai
For Respondents : Mr.Pala Ramasamy

ORDER

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

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondents to consider the request of the petitioner for payment of entire arrears together with reasonable rate of interest and for restructuring further installment payment by the petitioner as per the request, dated 13.08.2021.

2.It is not in dispute that the petitioner availed loan from the respondents Bank. Since the petitioner committed default in repaying the loan amount, the second respondent Bank initiated proceedings under the SARFAESI Act and issued demand notice under Section 13(2) of the SARFAESI Act, dated 30.06.2021. For the demand notice issued by the second respondent Bank, the petitioner sent a legal notice dated 13.08.2021, for which, the second respondent Bank



sent their reply notice dated 30.08.2021.

3.It is the contention of the petitioner that he is willing to pay the entire arrears of installments and on payment of the said amount, the second respondent Bank shall restructure the loan account. Since it is for the respondents Bank to take a decision as to the restructure of the loan account, we are not inclined to give any direction to the respondents Bank for restructuring the account. In any event, in the case of the petitioner paying the outstanding amount, it is open to the respondents Bank to take a decision with regard to the request made by the petitioner.

4.With these observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

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 Chief Manager-cum-Authorized Officer,
Punjab National Bank,
Circle Office,
Madurai.
- 2.The Branch Manager-cum-Authorized Officer,
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T.S.No.1680 Periyakulam Road,
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+1 CC to M/s.K.APPADURAI, Advocate (SR-32291[F] dated 22/10/2021)

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22.10.2021

NSN (CO)

RS/JC (02.11.2021) 2P 4C

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