



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2021

CORAM:

WEB COPY

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

**W.P(MD)NO.21613 OF 2021
and
W.M.P(MD)No.18173 of 2021**

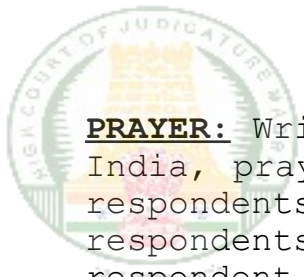
Tvl.Chendur Enterprises,
represented by its Proprietrix S.Anusuya,
No.888/2,Courtallam Road,
Piranoor Border,
Shencottai,
Tenkasi District.

:Petitioner

.vs.

- 1.The Secretary,
Ministry of Micro, Small and Medium Enterprises,
Room No.123, Udyog Bhavan,
Rafi Marg, New Delhi -110 011.
- 2.The Chief General Manager,
Department of Banking Operations and Development,
Reserve Bank of India,
12th Floor, Central Office Building,
Shahid Bhagat Singh Mrg, Fort,
Mumbai -400 001.
- 3.The Chairman cum Managing Director,
Karur Vysya Bank Limited,
Central Office,
Karur.
- 4.The Authorized Officer/The Chief Manager,
Karur Vysya Bank Limited,
No.33, Railway Feeder Road,
Rajapalayam, Virudhunagar Road,
Rajapalayam - 626 117.
- 5.The Authorized Officer,
Karur Vysya Bank,
K.K.Nagar, Madurai

: Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 and 2 to give necessary instruction to the respondents 3 to 5 to follow the guidelines brought by the first respondent for Micro, Small and Medium Enterprises (MSME) Sector -Restructuring of Advances in RBI/2018-19/100, DBR.No.BP.BC18/21.04.048/2018-19 on January 01, 2019, RBI/2020-21/09 DoR BP BC.No.01/21.04.048/2020-21, dated 01.07.2020 and Circular No.170/2020-21, dated June 2020 w.e.f. 24.06.2020 for Restructuring the Petitioner's vide Account No.1238216000000010 which has been averred in the Petitioner's representation dated 31.10.2021 within the time frame fixed by this Court.

For Petitioner :Mr.M.Natarajan

For Respondents :Mr.V.Sukumar
3 to 5

O R D E R

(Order of the Court was made by PUSHPA SATHYNARAYANA, J)

The petitioner has come forward to file this writ petition seeking issuance of a writ of Mandamus directing the respondent No.1 and 2 to act in terms of the circular No.170/2020-21 issued in the month of June 2020.

2.The learned counsel for the petitioner submitted that as per the circular and the scheme, the Unit like that of the petitioner is entitled for rescheduling of the loan.

3.We are not inclined to entertain this writ petition. The respondent Bank has already initiated proceedings under the SARFAESI Act and the petitioner has to approach the jurisdictional Tribunal by filing an application under Section 17 of the 'Act'. This plea can very well be taken into in the aforesaid proceedings. Suffice it to state that only after the action taken by the respondent Bank and after filing the application before the Tribunal, the petitioner has thought fit to file this writ petition. In such view of the matter, the writ petition stands disposed of giving liberty to the petitioner to raise this plea before the jurisdictional Tribunal.

4. The writ petition stands disposed of accordingly. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn



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 Secretary,
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2.The Chief General Manager,
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+1 CC to M/s.M.NATRAJAN, Advocate (SR-37658[F] dated 07/12/2021)

+1 CC to M/s.V.SUKUMAR, Advocate (SR-37573[F] dated 07/12/2021)

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MGJ(22.12.2021) 3P 5C