



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.NO.3271 OF 2022

M/s. Jey Yes Builders  
Rep. by its Authorised Signatory A.Yacoob Ali  
Plot No.188, 4th Cross Street  
Sadasivam Nagar, Madipakkam  
Chennai 600 091.

.. Petitioner

Vs.

The Senior Manager  
Canara Bank  
No.375, Anna Salai  
Saidapet  
Chennai 600 015.

.. Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus to call for the records of the respondent Bank and quash the email letter dated 22.11.2021 and consequently, forbear the respondent from taking any further steps pursuant to the impugned email letter dated 22.11.2021 and consequently, direct the respondent bank to deliver the title deeds and security documents after cancelling the mortgage.

For the Petitioner : Mr.K.Mohamed Hussen

For the Respondent : Mr.V.Kathirvelu

ORDER

(Order of the Court was made by  
the Hon'ble Chief Justice)

The writ petition has been filed challenging the e-mail letter dated 21.11.2021, by which, the respondent bank asked the



petitioner to pay the full contractual amount, as, the OTS proposal, earlier accepted by the Senior Manager of the bank, was not accepted by the competent authority.

2. It is a case where the petitioner approached the bank for one time settlement and the Senior Manager of its Saidapet Branch had accepted the proposal. But, according to learned counsel for the bank, the Senior Manager is not the competent authority to accept the one time settlement. Thus, the one time settlement was not accepted by the competent authority and accordingly, the petitioner was asked to pay the full contractual amount. The petitioner should have approached the competent authority for one time settlement.

3. In view of the facts given above, we do not find any error in the order under challenge. However, this petition is disposed of with liberty to the petitioner to approach the competent authority for one time settlement, if it so desires. It would be expected from the competent authority to consider the proposal of the petitioner for one time settlement sympathetically, but as per Rules. There will be no order as to costs. Consequently, W.M.P.No.3405 of 2022 is closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kpl/drm

To

The Senior Manager  
Canara Bank, No.375, Anna Salai  
Saidapet, Chennai 600 015.

+1cc to Mr.K.Mohamed Hussen, Advocate, S.R.No.13331

W.P.No.3271 of 2022

NMI (CO)  
PM/07/03/2022