



W.P.(MD) No.4037 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.4037 of 2022
and W.M.P.(MD)No.3465 of 2022

M.Ramesh

... Petitioner

Vs.

1.The Authorized Officer,
Equitas Small Finance Bank Ltd.,
4th Floor, Phaseil, Spencerplaza,
No.769, Mount Road, Annasalai,
Chennai.

2.The Manager,
Equitas Small Finance Bank Ltd.,
Rajakkamangalam Road,
Ramanputhooor, Simon Nagar,
Nagercoil, Kanyakumari District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to accept the award passed before



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For Petitioner : Mr.G.Cenil
For Respondents : Mr.B.Baskar

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to accept the award passed before LOK ADALAT held at Tirunelveli as case No.24, dated 22.03.2022 and to grant some time for the remittance of the balance amount of Rs.13,69,000/-.

2. It is the case of the petitioner that he has borrowed a sum of Rs. 17,20,000/- from the respondents Bank in the year 2018 and he has paid ten installments without any delay. Due to COVID-19, the petitioner could not able to run his business and therefore, he has not paid the remaining installments to the respondent bank. The respondents Bank has initiated proceedings under the



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SARFAESI Act, by issuing demand notice dated 24.02.2020 and possession notice dated 08.09.2020. In the meantime, the matter was referred to the Lok Adalat, held at Tirunelveli and assigned as Case No.24. Before the Lok Adalat, a settlement was arrived at between the parties to an amount of Rs.19,00,000/- as such, initial amount of Rs.1000/- was paid. As per the award dated 22.03.2021, the petitioner has paid the 1st installment of Rs.5,30,000/- in time, by way of cheque and got endorsement for the payment from the said bank. Thereafter, due to COVID-19, the second installment was not paid. Therefore, the respondents bank has initiated proceedings under the SARFAESI Act before the Chief Judicial Magistrate, Nagercoil. Hence, the petitioner has filed the present writ petition for the aforesaid prayer.

3. The learned Standing counsel appearing for the respondents Bank submitted that the petitioner has breached the condition imposed by the Lok Adalat and now filed the present Writ Petition, seeking extension of time for remitting the balance amount of Rs.13,69,000/-. Therefore, this Writ Petition is not maintainable and the same is liable to be dismissed.



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4. On a perusal of the records, it is seen that this Court, by order dated 18.11.2022, directed the petitioner to submit a proposal for payment of interest and on such proposal, the same be considered by the respondents bank, within two weeks thereafter. However, the petitioner has not placed any materials before this Court to show that either he has made a proposal to the bank or he has made the payment of the remaining amount, as per the award passed by the Lok Adalat, dated 22.03.2021. Therefore, the petitioner cannot have any legal right to file the present Writ Petition, seeking extension of time to remit the balance amount of Rs.13,69,000/-.

5. In view of the above, we are not inclined to entertain this Writ Petition. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [R.V., J.]

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