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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.04.2022
CORAM:
THE HONOURABLE MR.JUSTICE PARESH UPADHYAY
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No. 8149 of 2022
and W.M.P.(MD) No.6072 of 2022

Abdul Habib .. Petitioner

Vs

1.The General Manager,
Reserve Bank of India,
Chennai - 1.

2.The Authorised Officer,
M/s.Cholamandalam Investment and
Finance Company Ltd.,
Dare House, 2, N.S.C. Bose Road,
Parrys, Chennai - 600 001. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to Restructure credit facilities as per frame work 2.0 framed by the 1st respondent within the period stipulated.

For Petitioner : Mr.S.Rengasamy

For Respondents : Mr.P.Pethurajesh
for R2

ORDER
[Made by PARESH UPADHYAY, J.]

The petitioner has approached this Court with the following prayer:-

> "Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to Restructure credit facilities as per frame work 2.0 framed by the 1st respondent within the period stipulated."

2. During the course of hearing, it has transpired that the the petitioner had, not with the same prayer but with the grievance akin to what is voiced in this petition, approached the Debts Recovery Tribunal and was granted protection vide order 26 March 2022 on S.A.No.225 of 2022. The operative part of which reads as under:-

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"The Tribunal on considering the rival submissions of the parties and without going into merits of the case at present, this Tribunal is the view that the Applicant needs to be given a chance to prove his bona-fides. Hence, this Tribunal, hereby ordered to the Applicant to deposit a sum of Rs.3.50 Crore to the Respondent F1, out of which a sum of Rs.1.75 Crores shall be paid, on or before 22.04.2022 and another sum of Rs.1.75 Crores shall be paid on or before 20.05.2022 to the Respondent F1. The Respondent F1 on receiving the sum, as ordered by this Tribunal, shall not confirm the auction sale, if any held on the schedule date of auction. If the Applicant failed to deposit any part of the sum as ordered by this Tribunal, the Respondent F1 shall be at its liberty to proceed further under the SARFAESI Act.
The case is adjourned to 25.04.2022. Call on 25.04.2022."

3. On being asked, as to whether the conditions imposed by the Tribunal while granting protection are complied with by the petitioner or whether, the said order is challenged by him, the answer is no qua both. We find that, the person who does not comply with the directions which is invited by him need not be granted protection under Article 226 of the Constitution of India.

4. For the above reason, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition would not survive.

Sd/-

Assistant Registrar (P&A)

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Sub Assistant Registrar(CS)

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The General Manager,
Reserve Bank of India,
Chennai - 1.

+1 CC to M/s.P. PETHU RAJESH, Advocate (SR-21564[F] dated 27/04/2022)

W.P(MD)No.8149 of 2022
27.04.2022

AC(CO)
KB(12.05.2022) 2P 3C

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