



W.P.(MD)No.15520 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.15520 of 2022
and W.M.P.(MD) Nos.11179 and 11181 of 2022

1.M/s.Vimalanandha Educational Charitable Trust,
A Trust represented by its Chairman,
M/s.R.Muruganathan,
S/o. Ramasamy Thevar,

2.Mrs.Sumatheeswari
W/o. R.Muruganathan,

3.M/s.Anchor Sea Foods,
Rep. by its Sole Prop. Mr.R.Muruganathan,
S/o. Ramasamy Thevar,

4.M/s.Jayashree Traders,
A Sole Proprietrix Mrs.Sumatheeswari,
W/o. R.Muruganathan

5.Mr.R.Muruganathan,
S/o. Ramasamy Thevar

... Petitioners

Petitioners 1 to 5 are all residing at
D.No.40/B-13/405/1,
Vimal Illam, Rameshwaram Main Road,
Uchipuli, Ramanathapuram – 623 534.

Vs.

1.The Regional Director,
Reserve Bank of India,
16, Rajaji Salai,



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Fort Glacis,
Chennai – 600 001,
Tamilnadu.

2.The Karur Vysya Bank,
Rep. by its Authorized Officer,
Asset Recovery Management Branch,
R.S.No.170/7, Uthankudi Village,
Near Mattuthavani Bus Stand,
Madurai – 625 107.

3.The Manager,
The Karur Vysya Bank,
Salai Street,
Ramanathapuram,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the 2nd and 3rd Respondents to consider their request to pay the outstanding loan due amounts of Rs.6,54,71,297/- (Rupees Six Crores Fifty Four Lakhs Seventy-One Thousand Two Hundred and Ninety Seven) in Instalments within the reasonable time which may be fixed by this Hon'ble Court.

For Petitioners : Mr.R.Murugappan

For Respondents 2 & 3 : Mr.R.Pandivel
Standing Counsel

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ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This writ petition is filed for issuance of a Writ of



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Mandamus, directing the 2nd and 3rd Respondents to consider the request of petitioners to pay the outstanding of Rs.6,54,71,297/- (Rupees Six Crores Fifty Four Lakhs Seventy-One Thousand Two Hundred and Ninety Seven) in instalments within a reasonable time.

2. Heard Mr.R.Murugappan, learned counsel for the petitioners and Mr.R.Pandivel, learned Standing Counsel for the respondents 2 and 3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioners are chronic defaulters as seen from the affidavit filed in support of the petition. It is also reported before this Court that the petitioners have earlier challenged the sale of secured assets and obtained interim order on undertaking to pay substantial amount. Though the petitioners were successful in getting interim orders by undertaking to make substantial payments, no amount was paid by the petitioners thereafter. Therefore, the petitioners are in the habit of approaching this Court or Tribunal to get interim orders to stall the recovery proceedings under the pretext of making some payment. But did not bother to



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make payments.

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4. The present case is slightly different and the petitioners want the respondent bank to consider their representation. The fifth petitioner has sent a representation to the Reserve Bank of India - 1st respondent stating that the other two respondents have rejected the offer of the petitioners to settle the entire amount by way of One Time Settlement or for restructuring the loan. The request to the first respondent was to give instructions to respondents 2 and 3 not to bring the properties for re-auction. Immediately after sending a representation to the Reserve Bank of India on 13.07.2022, the above writ petition is filed.

5. It is pointed out by learned Standing Counsel for the respondents 2 and 3 that the facts that are found in the representation of the petitioners are all false and the petitioners though referred to their willingness to settle the amount, no amount was paid and there is no explanation as to why they could not comply with the conditional order passed by the Tribunal to stall the sale proceedings. The petitioners have not shown any One Time Settlement offer by the Bank.



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6. This Court need not show any indulgence to the borrowers like the petitioners, who have successfully obtained interim orders under the pretext of making substantial payment and allow the bank to go empty as the sale as proposed did not go through by virtue of interim order. The conduct of the petitioners will make any one believe that the petitioners are not interested in settling the amount due to the respondent Bank. In view of the above, this Court finds no merit in this writ petition.

7. In view of the above, reserving the right of the petitioners to approach the Tribunal challenging the sale proceedings for irregularities, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

[S.S.S.R., J.] [S.S.Y., J.]
18.07.2022

Index : Yes / No
sj

To
1.The Regional Director,
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and

S.SRIMATHY, J.

sj

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