



W.P.(MD)No.15562 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.15562 of 2022
and
W.M.P.(MD)No.11207 of 2022

Palraj

... Petitioner

Vs.

1.The Ombudsman (The South Indian Bank Ltd.),
Reserve Bank of India,
Fort Glacis, Chennai -600 001.

2.The Branch Manager,
The South Indian Bank Ltd.,
2G/2, Ground Floor, RMKG Building,
Madurai Road, Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct these respondents to accept the petitioner's written request dated 17.06.2022 and settle his dues fully due to the second respondent bank and thereby cancel the mortgage and release other documents creating liabilities by the petitioner and his wife in favour of the second respondent bank.

For Petitioner :Mr.F.X.Eugene

For R2 :Mr.T.Thevan



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ORDER

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

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondents to accept the petitioner's written request dated 17.06.2022 and settle his dues fully due to the second respondent bank and thereby cancel the mortgage and release other documents creating liabilities by the petitioner and his wife in favour of the second respondent bank.

2.Heard Mr.F.X.Eugene, learned Counsel for the petitioner and Mr.T.Thevan, learned Counsel, who takes notice for the second respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The prayer in the Writ Petition is not properly worded. The petitioner has borrowed a sum of Rs.92,80,000/- under various heads in 2013. The petitioner has also offered his valuable property as security. The grievance of the petitioner is that the petitioner has submitted his representation to the respondent Bank for accepting the offer under One Time Settlement scheme. The petitioner made a representation on 17.06.2022 came forward with a proposal to pay a sum of Rs.45,00,000/-



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as One Time Settlement, even though the outstanding as on 24.03.2021 is more than Rs.94 lakhs. It is stated by the petitioner that the petitioner has paid more than the principal amount.

4.The learned Counsel for the respondent bank submitted that the request of the petitioner with the offer of Rs.45 laksh had already been rejected. It is also stated that the petitioner's further request with a revised offer of Rs.47 laksh by way of one time settlement was also rejected by the bank. However, the learned Counsel for the respondent bank submitted that the bank may consider the fresh offer or proposal of the petitioner, if it is acceptable having regard to the norms of the respondent bank regarding one time settlement.

5.This Court cannot entertain a Writ Petition of this nature. However, the respondent can still consider the representation of the petitioner to settle the loan amount under one time settlement, if it is feasible or made available to the petitioner in terms of RBI guidelines. Accordingly, without expressing any opinion on the representation of the petitioner, the petitioner is advised to submit a fresh representation to the respondent bank within a period of two weeks from the date of receipt of a copy of this order. It is open to the respondent bank to consider the said representation of the petitioner in the light of the RBI



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guidelines or regulations of the bank and pass appropriate orders within a period of twelve weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

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

Index : Yes / No

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and

S.SRIMATHY, J.

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