



W.P(MD)No.16024 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2022

CORAM

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

**W.P(MD)No.16024 of 2022
and
W.M.P(MD).Nos.11580 and 11581 of 2022**

P.Rajendran

... Petitioner

Vs.

1.The Authorized Officer,
Canara Bank,
Bodinayakanur Branch,
Bodinayakanur,
Theni District.

2.The Chief Manager,
Canara Bank,
Bodinayakanur Branch,
Bodinayakanur,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned notice issued by the first respondent dated 04.07.2022 which was published in Tamil Daily News



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paper in “Thina Thanthi” dated 07.07.2022 and quash the same and consequently, permit the petitioner to clear the loan amount within a period of six months.

For Petitioner : Mr.M.Karuppasamy Pandian

For Respondents : Mr.Madhan Alexander
Standing Counsel for Bank

ORDER

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

Heard Mr.M.Karuppasamy Pandian, learned counsel appearing for the petitioner and Mr.Madhan Alexander, learned Standing Counsel appearing for the respondent bank.

2. This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned notice issued by the first respondent, dated 04.07.2022 which was published in Tamil Daily News paper in “Thina Thanthi” dated 07.07.2022, quash the same and consequently, permit the petitioner to clear the loan amount within a period of six months.



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3. The learned counsel appearing for the petitioner submits that the petitioner is a farmer and the value of the property secured from the petitioner is more than the amount due as on date. The petitioner wants to save his house by selling the substantial portion of his agricultural properties. He would pay a sum of Rs.2,00,000/- (Rupees Two Lakhs only) within a month, to show his *bonafides* and would pay the entire amount within a period of five months thereafter. The petitioner is seeking the co-operation of the Bank for selling one of the secured assets on condition that the petitioner will discharge the entire amount by selling the properties mortgaged.

4. The learned Standing Counsel appearing for the respondent bank objected to the contention of the learned Counsel appearing for the petitioner by stating that the petitioner has to pay the outstanding due on monthly installments.

5. This Court is of the view that an opportunity should be provided to the petitioner to discharge the entire liability, if the borrower comes forward before this Court with a specific grievance about his inability to mobilize the funds to discharge the outstanding due on monthly



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installments. Having regard to the facts and circumstances of the case and the grievance of the petitioner, this Court is inclined to dispose of the writ petition in the following lines:

(i) The petitioner shall pay a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the respondent bank on or before **24.08.2022**;

(ii) Upon payment of Rs.2,00,000/- (Rupees Two Lakhs only), the respondent bank shall defer any further proceedings for a period of six months therefrom. In case, the petitioner is unable to discharge the entire loan by the end of six months from today, it is open to the respondent bank to realize the entire due amount by an appropriate method which is permissible under the law;

(iii) It is made clear that the respondent bank shall not take any coercive steps for a period of six months and the respondent bank is at liberty to proceed further ignoring this order, in case, the petitioner is unable to discharge the entire liability within a period of six months from today; and

(iv) In case, the petitioner is unable to pay a sum of Rs.2,00,000/- (Rupees Two Lakhs only) as directed by this Court, it is open to the respondent bank to proceed further ignoring this order. The respondent bank shall furnish the bank statement showing the liability of the



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petitioner as on date under all the heads with break-up figures to the petitioner.

6. Accordingly, this Writ Petition is disposed of. No costs.

Connected miscellaneous petitions are closed.

[S.S.S.R., J.] [S.S.Y., J.]
22.07.2022

Index : Yes/No
Internet : Yes
ssb

To

1.The Authorized Officer,
Canara Bank,
Bodinayakanur Branch,
Bodinayakanur,
Theni District.

2.The Chief Manager,
Canara Bank,
Bodinayakanur Branch,
Bodinayakanur,
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S.S.SUNDAR, J.
AND
S.SRIMATHY, J.

ssb

ORDER MADE IN
W.P(MD)No.16024 of 2022

22.07.2022