



W.P.(MD)No.19717 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.08.2022

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

W.P.(MD)No.19717 of 2022
and
W.M.P(MD)Nos.14395 and 14397 of 2022

I.Sirjdeen

... Petitioner

Vs.

1.The Authorised Officer,
Repco Home Finance (Ltd.,)
No.25297-2598 South main street,
Thanjavur,
Pincode 613001.

2.The Branch Manager,
Repco Home Finance (Ltd),
No.2597-2598, South Main Street,
Thanjavur,
Pincode 613001.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records in connection with the impugned demand notice U/s 13(2) paper publication made in Indian Express dated 04.07.2002 issued by the 1st respondent quash the



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same and consequently, to regularize petitioner housing loan Account A/C No.1281860003871 maintained in Repco Home Finance (Ltd) No. 2597-2598, South main street, Thanjavur Pincode 613001.

For Petitioners :Mr.D.Selvanayagam

For Respondents :Mr.B.Rajesh Saravanan

Standing Counsel for Bank

ORDER

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

This Writ Petition is filed challenging the demand notice dated 28.06.2022, issued by the first respondent.

2.Heard Mr.D.Selvanayagam, learned counsel appearing for the petitioner and Mr.B.Rajesh Saravanan, learned Standing Counsel appearing for the Bank.

3.The total outstanding amount as on date, is around Rs.24 lakhs. It is the case of the petitioner that he borrowed a sum of Rs.20 lakhs for construction of his house and that the loan was sanctioned on 07.09.2018 and he has paid monthly installments regularly, without any due. Further, it is stated by the petitioner that due to Covid-19, from March 2020 to till



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July 2022, he suffered financial crisis and therefore, he could not make further repayment of loan. Stating that the respondent has not considered the request of the petitioner to regularize the loan, the above writ petition is filed.

4.The learned counsel appearing for the respondent bank submitted that the petitioner may approach the bank for any concession or settlement. It is further stated that the petitioner cannot maintain the writ petition as against the demand notice.

5.From the narration of events and the submission of the learned counsel appearing for the respondents, this Court is of the view that the petitioner is entitled to some indulgence so that further opportunity will be given to the petitioner to regularize the loan account or for restructuring the loan account, on account of Covid Pandemic.

6.Considering the grievance of the petitioner, this Court is inclined to dispose of the writ petition in the following lines:



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(i)The respondent shall defer further action that the learned counsel appearing for the petitioner produced a demand draft of Rs.1 lakh drawn in favour of the respondent bank, which is handed over to the learned counsel appearing for the respondent bank across the Court and on further condition that the petitioner pays a sum of Rs.1 lakh on or before 12.09.2022, directly to the respondent bank. Upon payment of a sum of Rs.2 lakhs, it is open to the petitioner to approach the respondent bank for regularization of loan account or for restructuring the loan, as may be permissible as per the norms of RBI applicable to the respondent Bank.

(c)When a representation submitted by the petitioner, the respondent Bank is directed to consider the same and pass appropriate orders within a period of two months from the date of receipt of a copy of this order. Till such time, the respondent Bank communicate the order, it shall not initiate any coercive action as against the petitioners.

(d)In case, the petitioner fails to make any one of the installments as indicated above, it is open to the respondent Bank to proceed further in accordance with law.



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No costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [S.S.Y., J.]
25.08.2022

Index: Yes/No

Internet: Yes

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To

1. The Debts Recovery Tribunal,
IV, Floor, Kalyani Tower,
Melur Road, Madurai.

2. The Authorised Officer,
Tamilnadu Mercantile Bank Ltd.,
Kallloorani Branch,
No.109, Sayalkudi Road,
Kallloorani,
Virudhunagar District.

S.S.SUNDAR, J.
and
S.SRIMATHY, J.

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W.P(MD)No.19701 of 2022
and
W.M.P(MD)Nos.14379 and 14380 of 2022

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