



W.P.(MD) No.20179 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.20179 of 2022

and

W.M.P.(MD)No.14678 of 2022

S.R.Chandramohan

... Petitioner

Vs.

1.The Authorized officer,
Tamilnadu Mercantile Bank,
Madurai Regional Office,
No.31, Besant Road, Chinna Chockikulam,
Madurai-625002.

2.The Regional Manager,
Tamilnadu Mercantile Bank,
Madurai Regional Office,
No.31, Besant Road,
Chinna Chockikulam,
Madurai-625002

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the property being a house in Plot No.419, East Street, K.K.Nagar, Madurai comprised in R.S.No. 159/4 part, Tallakulam Village, Madurai North Taluk and Madurai District and measuring 2 grounds 200 Sq.ft and Property No.2 of B Schedule in the notice dated 02/07/21 issued under Section 13(2) of The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act from the Mortgage.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.N.Dilipkumar
Standing Counsel

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to release the property being a house in Plot No.419, East Street, K.K.Nagar, Madurai comprised in R.S.No.159/4 part, Tallakulam Village, Madurai North Taluk and Madurai District and measuring 2 grounds



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200 Sq.ft and Property No.2 of B Schedule in the notice dated 02/07/21 issued under Section 13(2) of the SARFAESI Act.

2. When the matter was came up for admission on 29.08.2022, this Court has passed the following order:

“The petitioner is permitted to approach the Bank seeking for fresh One Time Settlement. Upon receipt of the same, it is open to the respondents bank to consider the representation of the petitioner giving due opportunity in the light of various facts and circumstances and keeping in mind their interest as well.”

3. The learned counsel appearing for the respondents bank submitted that as per the direction of this Court, the petitioner has approached the respondents bank and made a representation seeking for One Time Settlement. The said request made by the petitioner has been considered and rejected by the respondent vide a proceeding dated 27.09.2022. A copy of the said proceeding dated 27.09.2022 has also been produced before this Court. He further



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submitted that the respondents bank has issued a notice on 02.07.2021 to the petitioner, under Section 13(2) of the SARFAESI Act and hence, he prays for dismissal of this Writ Petition.

4. In view of the specific stand taken by the respondents bank, we are of the view that the prayer sought for in the Writ Petition has become infructuous and hence, there is no merit in the Writ Petition and the same is liable to be dismissed.

5. Accordingly, this Writ Petition is dismissed with liberty to the petitioner to work out his remedy before the Debts Recovery Tribunal, Madurai, if he so advised. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [R.V., J.]

19.12.2022

Index : Yes / No

Internet : Yes / No

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