



W.P.(MD) No.21665 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.21665 of 2022

and

W.M.P.(MD)No.15801 of 2022

M/s.Hotel Sampath

Rep. by its Proprietor K.Sampath

... Petitioner

-Vs-

1. The Authorized Officer,
State Bank of India, Stressed Assets
Recovery Branch,
No.8, Dr.Ambedkar Road,
Vinayaga Nagar Branch First Floor,
Madurai.

2. The Assistant General Manager,
State Bank of India, Stressed Assets
Recovery Branch,
No.8, Dr.Ambedkar Road,
Vinayaga Nagar Branch First Floor,
Madurai.

... Respondents

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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned Sale Auction Notice issued by the first Respondent in his proceedings No. Nil dated 02.09.2022 and quash the same as illegal.

For Petitioner : Mr.M.Ajmal Khan
Senior Counsel

For Respondents : Mr.N.Dilip Kumar
Standing Counsel

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Challenging the Auction Sale Notice dated 02.09.2022, issued by the first respondent – Bank, the petitioner has filed this Writ Petition.

2.Today, when the writ petition was taken up for hearing, the learned counsel for the petitioner submitted that as per the sale notice, the sale had not taken place and hence, it is suffice, if the petitioner is permitted to submit OTS proposal / repayment proposal to the respondent – Bank, with a direction to the respondent – Bank to consider and dispose of the same on merits and in

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accordance with RBI norms within a time frame, for which the learned counsel for the respondent – Bank is agreeable.

3. Though this Court cannot issue any positive direction to the respondents – Bank to consider the OTS/repayment proposal, in view of the submission of the learned counsel for the petitioner, the petitioner is permitted to submit OTS proposal to the respondent – Bank and on such submission, the respondent – Bank may consider the same on merits and in accordance with the RBI norms in this regard.

4. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] & [J.S.N.P., J.]

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Index : Yes / No

Internet : Yes / No

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