



W.P.(MD) No.27093 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.27093 of 2022

and

W.M.P.(MD)No.21256 of 2022

1.S.Bala Ganesan

2.B.Sengoda Nagarajan

... Petitioners

-Vs-

The Authorized Officer,
Tamilnad Mercantile Bank Ltd.,
Nagercoil Branch,
229-A, Charles Miller Street,
College Road, Nagercoil-629001.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the respondent in issuance of communication dated 18.11.2022 and quash the same and direct the respondent to comply with the order passed by this Court in W.P.(MD)No.15384 of 2022 by affording an opportunity of being heard and other reliefs.

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For Petitioners : Mr.K.R.Laxman,
For Mr.R.M.Makesh Kumaravel
For Respondent : Mr.N.Dilip Kumar,
Standing Counsel

ORDER

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

Challenging the communication of the respondent dated 18.11.2022, advising the petitioners to approach the Bank for closure / settlement of the loan, this Writ Petition is filed.

2.Mr.N.Dilip Kumar, learned Standing Counsel takes notice for the respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3.Though we are not inclined to agree with any of the contentions raised by the petitioners in this Writ Petition, considering the compliance of the

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conditions imposed in the earlier round of litigation, we are inclined to give some breathing time to the petitioners to submit a proposal for OTS or otherwise, for which, the learned Standing Counsel for the respondent is also fairly agreeable.

4.In view of the above, this Court directs the petitioners to submit a proposal for OTS to the respondent Bank within a period of four weeks from today, failing which it is open to the respondent Bank to proceed in the manner known to law and if the petitioners submit a proposal within the time stipulated above, the respondent Bank shall consider the same on merits and in accordance with law in the light of RBI norms.

5.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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