



W.P.(MD) No.28153 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.28153 of 2022

P.Thangadurai

... Petitioner

-Vs-

1.The Regional Manager / Authorized Officer,
Tamil Nadu Grama Bank,
Regional Office, Tirunelveli Town,
Tirunelveli District.

2.The Branch Manager,

Tamil Nadu Grama Bank,
Veerasigamani, Sankarankovil Taluk,
Tenkasi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to extent the time limit for further

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period of 4 months in making the entire outstanding due of Rs.8,27,000/- (Farm Mechanization Loan) as per the one time settlement scheme arrived between the petitioner and the respondents in A/c.No.10081662761 based on the petitioner's representation dated 14.11.2022 submitted to the 2nd respondent in-person within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.N.Dilip Kumar,
Standing Counsel

ORDER

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

This Writ Petition is filed, seeking issuance of a Writ of Mandamus, directing the respondents to extent the time limit for further period of 4 months in making the entire outstanding due of Rs.8,27,000/- (Farm Mechanization Loan) as per the one time settlement scheme arrived between the petitioner and the respondents in A/c.No.10081662761 based on the petitioner's representation dated 14.11.2022 submitted to the 2nd respondent in-person within a time limit that may be stipulated by this Court.

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2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, he borrowed a loan from the respondent Bank for purchasing Tractor for agricultural purpose. Due to Covid-19 Pandemic situation, he was unable to repay the loan to the respondent Bank. Therefore, the respondent Bank issued demand notice, calling upon the petitioner to settle the outstanding amount. Hence, the petitioner has approached the respondent Bank with One Time Settlement proposal and the same was accepted by the respondent Bank, permitting the petitioner to pay a sum of Rs.9,27,000/- in four installments. In compliance of the same, the petitioner has paid a sum of Rs.1,00,000/- on 10.11.2022 as a first installment. Since he was unable to mobilize the amount, he submitted a representation dated 14.11.2022 to the respondent Bank, seeking three months time to settle the remaining outstanding amount. However, without considering the same, the respondent Bank issued three demand notices dated 25.11.2022. Hence, the petitioner has approached this Court with the aforesaid prayer.

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4.Per contra, the learned Standing Counsel for the respondent Bank submitted that the petitioner has not signed in the aforesaid OTS proposal offered by the respondent Bank, however, the guarantor alone has signed the OTS proposal. He further submitted that if the petitioner makes a fresh representation to the respondent Bank, the same will be considered by the respondent Bank.

5.In view of the above, we are inclined to direct the petitioner to submit a fresh representation to the respondent Bank, within a period of one week from the date of receipt of a copy of this order. On receipt of such representation, the respondent Bank shall consider the same and pass appropriate orders on merits and in accordance with law, as early as possible, within a period of two weeks thereafter. In the meantime, the respondent Bank shall not take any coercive action against the petitioner.



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6. With the above direction, this Writ Petition stands disposed of. No costs.

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

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Index : Yes / No

Internet : Yes / No

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