



WEB COPY



W.P.No.6055 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.05.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

and

**THE HONOURABLE MR.JUSTICE SENTHILKUMAR
RAMAMOORTHY**

W.P.No.6055 of 2023

and

W.M.P.No.6068 of 2023

Yasmin Banu

.. Petitioner

Vs.

1. A.H. Shajahan

2. The Branch Manager,
M/s. Karnataka Bank Limited
Catherdral Road Branch,
Gopalapuram Prasad Chambers,
Conron Smith Road,
Gopalapuram,
Chennai- 600 086.

3. The Manager,
Zonal Office,
M/s. Karnataka Bank Limited,
P.B.599, Mahaveera Circle,
Kankanady
Mangaluru - 575 002



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4. Rehabilitation Center for Alcohol,
No.37, 38 Lord Govindhas Road,
KPS Towers Flat No.F1
Border Thottam
Mount Road,
Chennai 600 002

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of Constitution of India to issue writ of Mandamus directing the 2nd and 3rd respondent to consider the petitioner representation dated 25.01.2023 and to direct the 2nd and 3rd respondents to produce the detailed statement of EMI break up pertaining to principal and interest paid to the tune of R.21,69,286/-

For Petitioner : Mr.S.Natarajan

For Respondents : Mr.R.Imayavaramban,
for M/s. Ramalingam &

Associates

ORDER

(Order of the Court was delivered by SENTHILKUMAR
RAMAMOORTHY,J.)

The petitioner seeks a direction for the consideration of his representation dated 25.01.2023 in relation to the loan availed of by the petitioner from the Karnataka Bank Limited.



2. The petitioner had availed of a loan of about Rs.32,80,000/- from the Karnataka Bank and, in relation thereto, had created a security interest in favour of the bank. Upon default in discharging the loan obligation, the bank initiated proceedings under the SARFAESI Act 2002.

3. Learned counsel for the petitioner states that the petitioner is ready and willing to reach a negotiated settlement with the bank and that the efforts made in such regard were not responded to by the Bank.

4. Learned Standing counsel for the Karnataka Bank Limited denied the contention. He submits that the petitioner offered a sum of Rs.16 lakhs by way of settlement and that such offer was rejected because it was much less than the amount outstanding from the petitioner. He also points out that a revised offer of Rs.18 lakhs was made and the said offer was also rejected. As regards the request for a detailed statement of account, he submits that such statement of account was provided.



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5. The petitioner has an effective alternative remedy before the jurisdictional Debts Recovery Tribunal in case the petitioner is aggrieved by any of the measures taken by the respondent Bank. On the contrary, if the petitioner is genuinely interested in settling the loan, it is always open to the petitioner to reach out to the Bank and conclude a negotiated settlement. In these circumstances, no case is made out to exercise discretionary jurisdiction by this Court. Consequently, W.P.No.6055 of 2023 is dismissed without any costs. Consequently, connected miscellaneous petition is closed.

(C.V.K., J) (S.K.R., J)

17.05.2023

mrp/sms

To

1. The Branch Manager,
M/s. Karnataka Bank Limited
Catherdral Road Branch,
Gopalapuram Prasad Chambers,
Conron Smith Road,
Gopalapuram,
Chennai- 600 086.

2. The Manager,



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Zonal Office,
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C.V. KARTHIKEYAN
and

SENTHILKUMAR RAMAMOORTHY

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