



W.P.No.28836 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.28836 of 2023

1. M/s.Gratia Leathers Proprietary Firm
Having office at New No.20, (Old No.45)
Thiruvengadam Street, Periamet
Chennai – 600 003.

2. S.Sundaram
3. S.Soundar Rajan
4. S.Prabhu Kuumar
5. S.Arasu

.. Petitioners

Vs.

1. The Regional Manager
Indian Overseas Bank
Chennai – 600 001.

2. The Authorised Officer
Indian Overseas Bank
Valluvar Kottam Branch
Vidyadaya Schools Society Complex
Thiruvamalai Road, T.Nagar
Chennai 600 017.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus, directing the respondents to consider the petitioner's representation dated 02.09.2023 for One Time Settlement and to close the petitioner's account.

For the Petitioners : Ms.Thenmozhi Shivaperumal

ORDER

(Made by the Hon'ble Chief Justice)

Heard Ms.Thenmozhi Shivaperumal, learned counsel for the petitioner.

2. Learned counsel for the petitioners submits that the One Time Settlement proposal has been given by the petitioner to the respondent Bank and the Bank has not considered the same. The property was put to auction on a number of occasions, but there were no bidders. Recovery Certificate has been obtained by the Bank. It is submitted that the respondent Bank may be directed to accept the One Time Settlement proposal given by the petitioners.



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3. It is not the case of the petitioner that a Non-Discretionary and Non-Discriminatory scheme exists. According to the petitioners, the Bank has the Recovery Certificate in its favour. It would not be possible to give a positive direction to the Bank as sought by the petitioners. However, it is submitted that the petitioners have given an application for One Time Settlement. The petitioners may prosecute the said application with the Bank and/or with the Banking Ombudsman, as may be permissible in law.

4. With these directions, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.28438 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

06.10.2023

Index : Yes/No
Neutral Citation : Yes/No

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(drm)

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