



WEB COPY



Writ Petition No.2054 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2023

Coram

**THE HONOURABLE MR. T.RAJA, ACTING CHIEF JUSTICE
and
THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY**

**Writ Petition No.2054 of 2023
and
W.M.P.Nos.2141 & 2142 of 2023**

1.M/s.Bharani Pattu
represented by the Managing Partner,
Mr.T.Senthil
No.133, Rajaji Street,
Ram Nagar, Gandhipuram,
Coimbatore - 641 012.

2.T.Senthil

3.M.Anuradha

4.V.J.Sathya Saran

5.Priya

.. Petitioners

Vs.

The Authorized Officer,
Punjab National Bank,
No.190, Sarojini Street,
Ram Nagar,
Coimbatore - 641 009.

...Respondent



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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records issued by the respondent u/s.13(2) of the SARFAESI Act in MCC/8108/Bharani Pattu/SARFAESI/751/2022-22 dated 18.10.2022 and quash the same and direct the respondent to regularize the account of the petitioners.

For Petitioners : Ms.Thenmozhi Shivaperumal
For Respondents : Mrs.S.R.Sumathi

ORDER

[Made by the Hon'ble Acting Chief Justice]

W.M.P.No.2141 of 2023 filed to permit the petitioners to file the writ petition jointly is allowed, subject to payment of separate sets of court-fee by the petitioners within two weeks from the date of receipt of a copy of this order. In default of compliance, the order passed in the writ petition shall be applicable only to the first petitioner.

2. This writ petition has been filed seeking quash of the notice issued by the respondent u/s.13(2) of the SARFAESI Act in MCC/8108/Bharani Pattu/SARFAESI/751/2022-22, dated 18.10.2022 and direct the respondent to regularize the account of the petitioners.



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3. Heard Ms.Thenmozhi Shivaperumal, learned counsel for petitioners and Mrs.S.R.Sumathi, learned counsel appearing for respondent.

4. Learned counsel for petitioners submits that the petitioners approached the respondent bank to sanction housing loan of Rs.16 crores and the same was sanctioned. Since the petitioners defaulted in repayment of loan, their loan account was declared as NPA and the impugned notice was issued by the respondent bank. On receipt of the same, the petitioners sent a representation dated 01.02.2023 to the respondent bank stating that due to covid-19 pandemic and continuous lock down announced by the Government, they were not in a position to make repayment of loan and requesting the respondent bank to accept one time settlement proposal of the petitioners and permit the petitioners to make one time settlement by waiving the interest and penal interest. Since the same has not been considered till date, the petitioners have filed the present writ petition seeking the aforesaid relief.



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5. Learned counsel appearing for the respondent bank submitted that the petitioners' representation dated 01.02.2023 will be considered as per the bank norms and rules.

Recording the submission of learned counsel appearing for the respondent bank, this Writ Petition is disposed of. The respondent bank shall consider the petitioners' representation dated 01.02.2023 as per the bank norms and rules and communicate the decision taken to the petitioners. No costs. Consequently, W.M.P.No.2142 of 2023 is closed.

[T.R., A.C.J] **[D.B.C., J]**
23.02.2023

Index: Yes/No
Speaking Order/Non-speaking order
Neutral citation : yes/no
gm



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To

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D.BHARATHA CHAKRAVARTHY, J

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