



W.P.(MD) No.1393 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1393 of 2023
and W.M.P.(MD)No.1286 of 2023

K.Purushothaman

... Petitioner

Vs.

1.The Authorized Officer,
State Bank of India,
Channel Road, Melur,
Madurai District.

2.The Manager,
State Bank of India,
Melur Branch, Madurai.

3.R.Muthukrishnan,
Advocate Commissioner,
D.No.66, Govindan Street,
Deva Illam, DRO Colony,
Madurai.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to settle the loan of the petitioner in loan account No.33755825225 granting one time settlement under the scheme permitting the petitioner to remit the balance due amount as per statement of account of the bank issued on 19.01.2023 after deducting unnecessary implications in the statement of account.

For Petitioner : Mr.S.Titus
For Respondents : Mr.R.Pandivel,
Standing Counsel for R1 & R2.

ORDER

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

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to settle the loan of the petitioner in loan account No. 33755825225 granting one time settlement under the scheme permitting the petitioner to remit the balance due amount as per statement of account of the bank issued on 19.01.2023, after deducting unnecessary implications in the statement of account. .



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2. Heard Mr.S.Titus, learned counsel for the petitioner and Mr.R.Pandivel, learned Standing Counsel, who takes notice for the respondents 1 and 2. Considering the nature of the order proposed to be passed in this Writ Petition, notice to the third respondent is dispensed with.

3. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

4. The learned counsel appearing for the petitioner submitted that the petitioner has availed a loan for a sum of Rs.18,42,245/- in the year 2014 and he has paid a total amount of Rs.10,78,000/-. The respondents Bank has issued the demand notice to the petitioner and the petitioner has also filed an appeal before the DRT, in which conditional order has been passed. The petitioner has not complied with the conditional order. Hence, the respondents have initiated proceedings under Section 14 of the SARFAESI Act, by appointing Advocate Commissioner to take possession of the property. He further submitted that the aforesaid property was under the lock and seal by the respondents bank. At this



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stage, the petitioner has made a proposal to the respondents bank for One Time Settlement. Since the same was not considered by the respondents bank, the petitioner has filed this Writ petition.

5. The learned counsel appearing for the respondents bank submitted that as of now there is no proposal and if any proposal is submitted by the petitioner, the respondents bank will consider the same.

6. Considering the facts and circumstances of the case, we are not inclined to issue any positive direction to the respondents bank. However, we are of the view that no prejudice would be caused, if any proposal made by the petitioner would be considered under the law. Therefore, we direct the petitioner to make a proposal to the respondent bank within a period of one [1] week from the date of receipt of a copy of this order. On receipt of such proposal, the respondents bank are directed to consider the same as per law, within a period of two [2] weeks thereafter and communicate the decision taken to the petitioner. Till such time, no coercive steps shall be taken by the respondents bank.



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7. With the above directions, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

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

25.01.2023

NCC : Yes / No

Index : Yes / No

vsm

To

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