



W.P(MD)No.1436 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.1436 of 2023
and
W.M.P(MD)Nos.1313 & 1316 of 2023**

Sasikumar

... Petitioner

VS.

1.The Authorized Officer/Chief Manager,
Bank of Baroda,
ROSARB, 1st Floor, Plot No.14,
Door Nos.3, 4 & 5,
Sakthi Velamal 10th Street,
S.S.Colony, Madurai – 625 020.

2.The Branch Manager,
Bank of Baroda,
Pacheri Branch, Sivagangai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned order passed by the learned Chief Judicial Magistrate, Sivagangai in Cr.M.P.No.9902 of 2022 dated 02.01.2023 under Section 14 of the SARFAESI Act against the petitioner and the schedule of the properties and to quash the same as illegal, arbitrary and in violation of the provisions of the SARFAESI Act, 2002.

1/6



W.P(MD)No.1436 of 2023

WEB COPY

For Petitioner : Mr.R.Chandrasekar

For Respondents : Mr.P.Pethu Rajesh
Standing Counsel

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition seeking for issuance of a Writ of Certiorari, to quash the impugned order passed by the learned Chief Judicial Magistrate, Sivagangai in Cr.M.P.No.9902 of 2022 dated 02.01.2023 under Section 14 of the SARFAESI Act against the petitioner.

2.At the outset we are not inclined to entertain the Writ Petition on the ground that the Writ Petition is not maintainable in the light of the decision of the Honourable Supreme Court.

3.At this stage, the learned counsel appearing for the respondent Bank submitted that the respondent Bank has come forward to offer under the One Time Settlement Scheme by asking the petitioner to pay a sum of Rs.13,00,000/- to the respondent Bank on or before 15.02.2023.

2/6



W.P(MD)No.1436 of 2023

WEB COPY

4. According to the petitioner, he agreed for settling the amount under the One Time Settlement scheme, but he had made a request before this Court that the aforesaid time stipulated, as stated by the respondent Bank, may be extended till the end of February 2023.

5. The learned counsel appearing for the respondent Bank has firmly rejected the request of the petitioner for granting a further two weeks time for settling the loan amount under the One Time Settlement scheme. He further stated that if the petitioner has not paid the aforesaid amount under the One Time Settlement scheme within the time stipulated, the petitioner is not entitled under the One Time Settlement scheme and he has to pay the entire outstanding due amount.

6. Considering the submissions made on either side, we are of the view that the respondent Bank has come forward to make such an offer for payment of the entire outstanding amount by giving a concession to the petitioner under the OTS scheme to pay a sum of Rs.13,00,000/- on or before 15.02.2023. If the petitioner mobilizes the said amount within the said period, he can pay the said amount and avail of the said concession



W.P(MD)No.1436 of 2023

WEB COPY

offered by the respondent Bank. Beyond that, this Court cannot grant any concession to the petitioner. Therefore we are not granting further time or giving concession to the petitioner, since the Writ Petition is not maintainable.

7. Accordingly, this Writ Petition is disposed of with a direction to the petitioner to pay a sum of Rs.13,00,000/- to the respondent Bank on or before 15.02.2023 under the One Time Settlement scheme. If the said amount is not settled under the One Time Settlement scheme within the stipulated time, it is open to the respondent Bank to take appropriate action in accordance with the RBI Rules for recovery of the entire outstanding amount. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [R.V.,J.]
25.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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D.KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.1436 of 2023

DATED : 25.01.2023