



W.P.(MD) No.1379 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.1379 of 2023
and W.M.P.(MD)No.1265 of 2023

M.Nagarajan

... Petitioner

Vs.

1.The Authorized Officer,
Cholamandalam Investment and Finance
Company Ltd.,
Corporate Office,
1st Floor, 'Dare House',
No.2, NSC Bose Road,
Chennai – 600 001.

2.Cholamandalam Investment and Finance
Company Ltd.,
2/3 GV Tower,
Third Floor, Opp. To Fenner India,
Melakkal Road,
Madurai – 625 010.

... 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 consider the request of the petitioner for One Time Settlement and defer the proceedings initiated under SARFAESI ACT till such time by considering the petitioner's representation dated 23.01.2023.

For Petitioner : Mr.N.Mohideen Basha

For Respondents : Mr.P.Pethurajesh,
Standing Counsel

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 consider the request of the petitioner for One Time Settlement and defer the proceedings initiated under SARFAESI ACT till such time, by considering petitioner's representation dated 23.01.2023.



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WEB COPY 2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The learned counsel appearing for the petitioner submitted that the petitioner has made a representation on 23.01.2023, seeking to consider the request of the petitioner for One Time Settlement. However, the same was not considered by the respondents. Hence, the petitioner has filed this Writ Petition.

4. The learned Standing Counsel appearing for the respondents bank submitted that earlier the petitioner has filed a writ petition before this Court in W.P.(MD)No.217 of 2023, and this Court by order dated, 05.01.2023, passed the following order:

“a) the petitioner is permitted to file an appeal before the Debts Recovery Tribunal, Coimbatore, in-charge of Debts Recovery Tribunal, Madurai along with the stay application, within a period of one week from today; and

b) If the appeal papers are otherwise in order, the learned Presiding Officer, Debts Recovery Tribunal, Coimbatore, in-charge of Debts Recovery Tribunal, Madurai is directed to number the said



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WEB COPY *appeal along with the stay application and thereafter, consider the stay application and pass orders on its own merits and in accordance with law, after issuing notice to the respondents, on or before 25.01.2023.”*

However, without approaching the DRT, now the petitioner has filed this Petition for the aforesaid prayer with an intention to stall the entire SARFAESI proceedings and hence, he prays for dismissal of this writ petition.

5. Considering the facts and circumstances of the case, without going into the merits of the matter, we direct the respondents to consider the representation of the petitioner dated 23.01.2023 and pass orders on merits and in accordance with law, within a period of three [3] weeks from the date of receipt of a copy of this order. We are not inclined to grant any other relief to the petitioner, since this Court by order dated 05.01.2023, in W.P.(MD)No.217 of 2023, already directed the petitioner to approach the DRT, to redress his grievance.



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6. With the above direction, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [R.V., J.]
24.01.2023

NCC : Yes / No
Index : Yes / No
vsm

To

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