



W.P.(MD) No.2304 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.2304 of 2023
and W.M.P.(MD)No.2066 of 2023

Murugan

... Petitioner

Vs.

1.The Regional Manager,
Equitas Small Finance Bank Ltd.,
Phase II, 4th Floor,
Spencer Plaza,
No.769, Anna Salai,
Chennai.

2.The Manager,
Equitas Small Finance Bank Ltd.,
220, 2nd Floor,
Kamarajar Salai, 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 not to proceed with the action in furtherance to the possession notice which was issued under Section 13(4) of SARFAESI Act, 2002 r/w Rule 8 Security Interest (Enforcement) Rules, 2002 dated 17.10.2022 by the respondent herein and direct the respondents to consider the representation 29.09.2022 for arriving at amicable settlement under One time Settlement Policy.

For Petitioner : Mr.Ramanathan

For Respondents : Mr.B.Baskar,
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 not to proceed with the action in furtherance to the possession notice which was issued under Section 13(4) of SARFAESI Act, 2002 r/w Rule 8 Security Interest (Enforcement) Rules, 2002 dated 17.10.2022



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by the respondent herein and direct the respondents to consider the representation 29.09.2022 for arriving at amicable settlement under One time Settlement Policy.

2. Heard Mr.Ramanathan, learned counsel for the petitioner and Mr.B.Baskar, learned Standing, who takes notice for the respondents.

3. By consent of both parties, 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 made a representation on 29.09.2022 to the respondents, seeking to settle the entire outstanding amount under the One Time Settlement Policy. However, the same was not considered by the respondents. Hence, the petitioner has filed this Writ Petition.



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5. The learned counsel appearing for the respondents – Bank submitted that the representation of the petitioner dated 29.09.2022 will be considered and appropriate orders will be passed in accordance with the norms and Rules, within a time frame.

6. Considering the limited scope of the prayer, without going into the merits of the claim made by the petitioner, this Court directs the respondents – Bank to consider the petitioner's representation dated 29.09.2022, on merits and pass appropriate order in accordance with the norms and Rules, within a period of four [4] weeks from the date of receipt of a copy of this order.

7. 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.]

06.02.2023

NCC : Yes / No

Index : Yes / No

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