



W.P(MD)No.2468 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

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1.M/s.Hi-Tech Foams,
Represented by its Managing Partner,
X.R.Sahayaraj Baskaran,
Plot No.1, MTTL Park Site,
Thathampatti,
Vadipatti Post,
Madurai – 624 218.

2.X.R.Sahayaraj Baskaran
3.X.R.Rita Mary
4.X.R.Suresh Antony Raj
5.X.R.Jerome Martin
6.A.Masilamani

... Petitioners

VS.

The Authorized Officer cum
Assistant General Manager,
State Bank of India,
SME Branch Dindigul,
100, 101 – Municipal Colony,
1st Floor, Nehruji Nagar,
Dindigul.

... Respondent



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WEB C **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 possession notice issued by the respondent in his proceedings Nil dated 09.01.2023 and quash the same as illegal, arbitrary and contrary to the provisions of the SARFAESI Act, 2002.

For Petitioners : Mr.B.Saravanan
Senior Counsel
for Mr.D.Kirubakaran

For Respondent : Mr.N.Dilip Kumar
Standing Counsel

ORDER

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

The prayer in this Writ Petition is seeking for issuance of a Writ of Certiorari, to quash the impugned possession notice issued by the respondent in his proceedings Nil dated 09.01.2023.

2. According to the petitioners, the respondent Bank, without considering the representation of the first petitioner, dated 28.06.2022 to reduce the cash credit limit and to restructure the cash credit loan as a term loan for 10 years term period on account of the financial difficulties, has passed the impugned possession notice, dated 09.01.2023. Further,



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according to the petitioners, they are ready to pay the outstanding instalments and the future instalments without any default and hence, the impugned possession notice, dated 09.01.2023 is liable to be set aside.

3. The learned counsel appearing for the respondent Bank submitted that no such scheme is available for restructuring the cash credit loan as a term loan and if the petitioners approach the respondent Bank by way of compromise for settling the entire loan amount, the respondent Bank shall consider the same and pass appropriate orders in accordance with RBI norms.

4. Considering the submissions made on either side, we are inclined to pass the following order:-

(i) The petitioners are permitted to make an application to the respondent Bank by way of compromise for settling the entire loan amount, within a period of one week from the date of receipt of a copy of this order.



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(ii) If such application is submitted by the petitioners, the respondent Bank shall consider the same and pass appropriate orders as per the RBI Norms and communicate the same to the petitioners, within a period of two weeks thereafter.

(iii) Till such time, no coercive steps shall be taken by the respondent Bank.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [L.V.G.,J.]
08.02.2023
(1/2)

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



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To

The Authorized Officer cum
Assistant General Manager,
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Dindigul.



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D.KRISHNAKUMAR,J.

and

L.VICTORIA GOWRI,J.

ps

ORDER MADE IN
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DATED : 08.02.2023
(1/2)