



W.P.(MD)No.16053 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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Esakki Madhavan

... Petitioner

Vs.

1.The Authorized Officer,
Axis Bank Limited,
Tirunelveli Branch (TN),
Tirunelveli, Tamil Nadu.

2.The Chairman,
Permanent Lokadalath,
District Court Campus,
Tirunelveli.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to disclose the exact figure of the outstanding towards the petitioner's loan account in Production Credit No. 914030051938379 of Axis Bank, Tirunelveli and to consequently, direct him to propose the one time settlement afresh based on the petitioner's representation dated 07.06.2022 given through the 2nd respondent.



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For Petitioner : Mr.V.Angusamy

ORDER

(Order of the Court was made by ***S.VAIDYANATHAN, J.***)

The petitioner has come forward with the prayer to direct the 1st respondent to disclose the exact figure of the outstanding amount towards the petitioner's loan account in Production Credit No.914030051938379 of Axis Bank, Tirunelveli and to propose the one time settlement afresh based on the petitioner's representation dated 07.06.2022.

2.A perusal of the typed set of papers filed in this Writ Petition shows that the Bank has issued a notice under Section 13(2) of SARFAESI Act, 2002 on 13.06.2023. If the petitioner is aggrieved by such notice, it is open to him to send a detailed reply and thereafter, it is open to the Bank either to accept or to reject the request of the petitioner and in case further action is taken, it is for the petitioner to approach Debts Recovery Tribunal. Hence, to that extent, the relief sought for by the petitioner is not acceptable.



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3. That apart, the second part of the prayer that compelling the Bank to accept one time settlement, is not permissible, which is, ultimately, with the purview of the Bank to decide whether the one time settlement to be extended or not. Therefore, on these two grounds, we are not inclined to entertain this Writ Petition. Accordingly, this Writ Petition stands dismissed. No costs.

(S.V.N., J.) & (D.B.C., J.)

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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