



W.P.(MD)No.16496 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MR.JUSTICE D.BHARATHA
CHAKRAVARTHY**

W.P(MD)No.16496 of 2023
and
W.M.P(MD)Nos.13793 and 13794 of 2023

B.Gnana Sampath

... Petitioner

Vs.

1.The Authorized Officer,
M/s.Union Bank of India (Erstwhile Corporation Bank),
Trichy Junction Branch,
LIC of India, United India Building,
Madurai Road,
Trichy District – 620 001.

2.The Chief Manager,
Rep. by its Union Bank of India,
Asset Recovery Branch,
No.51, Rosary Church Building,
Town Hall Road,
Madurai – 625 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the second respondent bank vide his proceedings ARB:019/2022-23 dated 30.06.2023, quash the same as



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illegal consequently direct the respondent to receive the loan amount as per OSDL Scheme.

For Petitioner :Mr.T.Vadivelan
For Respondents :Mr.N.Dilip Kumar,
Standing Counsel.

ORDER

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

Heard Mr.T.Vadivelan, learned counsel for the petitioner and Mr.N.Dilip Kumar, learned Standing Counsel for the respondent – Bank.

2. The petitioner has filed this writ petition challenging the impugned order of the second respondent bank in proceedings ARB:019/2022-23, dated 30.06.2023 and to direct the respondent bank to receive the loan amount as per OSDL Scheme.

3. It is seen that earlier, this Court passed a conditional order in W.P(MD)No.13431 of 2023, dated 08.06.2023, directing the petitioner to pay the entire loan amount in instalments. Subsequently, the petitioner



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made a request before the respondent bank for One Time Settlement.

However, the request of the petitioner was rejected by citing the order of this Court, vide the impugned order. Challenging the same, the petitioner has filed this Writ Petition.

4. We cannot modify or review the earlier order of this Court, dated 08.06.2023, for whatever reasons stated by the learned counsel for the petitioner in a parallel proceedings.

5. The learned Standing Counsel appearing for the respondent bank states that the bank may consider the genuine request of the petitioner in case he is able to convince the bank in the larger interest of the bank and the petitioner.

6. Therefore, we close this writ petition only with a request to the bank to consider the proposal if any from the petitioner so that there can be amicable settlement.



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7. The petitioner is directed to submit a proposal to the bank, within a period of one week from the date of receipt of a copy of this order. On receipt of such proposal, the respondent bank shall consider the same on merits, within a period of two weeks thereafter. Till such time, no coercive action shall be taken. No Costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [D.B.C., J.]
10.07.2023

Index : Yes / No
NCC : Yes/No

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S.S.SUNDAR, J.

and

D.BHARATHA CHAKRAVARTHY, J.

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