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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:**31.07.2023**

CORAM:

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

W.P(MD)NO.18424 of 2023

M/s.Kanagavel Salt Works,
represented by its Proprietor
Kanagavel, V.R.

:Petitioner

.VS.

The Authorized Officer,
Central Bank of India,
Tuticorin Branch,
54, Beach Road,
Tuticorin – 628 001.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent Bank to consider and pass necessary order on my reply notice, dated 1.5.2023 issued under Section 13(3A) of the SARFAESI Act, within the time frame fixed by this Court.

For Petitioner

:Mr.S.Balaji

For Respondent

:Mr.N.Dilip Kumar
Standing Counsel for the
respondent/Bank



O R D E R

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

This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the respondent-Bank to consider and pass necessary order on his reply notice, dated 1.5.2023 issued under Section 13(3A) of the SARFAESI Act.

2.Mr.N.Dilip Kumar, learned Standing Counsel takes notice for the respondent/Bank. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.This Writ Petition is premature. When the Petitioner has made a representation, the respondent is duty bound to consider the same and pass orders under Section 13(3A) of the SARFAESI Act, before proceeding to take any measure under Section 13(4) of the Act.

4.Hence this Writ Petition stands dismissed. No costs.

However, the Petitioner may approach the respondent-Bank and submit a representation within a period of two weeks from



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today, either for waiver of penal interest or for One Time Settlement or for re-structuring the loan or for any other concession, as may be permissible, under the guidelines of Reserve Bank of India or the norms applicable to the respondent. The respondent shall consider the same and pass appropriate orders in accordance with law. Till such time, the respondent consider the representation of the Petitioner on merits and communicate the decision taken to the Petitioner, the respondent shall not initiate any coercive action against the Petitioner.

[S.S.S.R.,J.] [D.B.C,J.]
31.07.2023

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

vsn

To

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S.S.SUNDAR, J.

AND

D.BHARATHA CHAKRAVARTHY, J.

vsn

ORDER MADE IN

W.P(MD)No.18424 of 2023

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