



W.P.(MD).No.22739 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.12.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD).No.22739 of 2023
and
W.M.P.(MD).Nos.18993 and 23258 of 2023

1.N.Lakshmi

2.K.Sree Kumar

.. Petitioners

Vs.

1.The Branch Manager,
Manapuram Home Finance Limited,
Vettoornimadam,
Nagercoil,
Kanyakumari District.

2.The Managing Director,
Manapuram Home Finance Limited,
Office at IV/470A, (Old) W/638A, (New),
Manapuram House, Vth Floor,
Valapad, Kerala 680 567.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to settle the loan of the petitioner in loan account No.C090COLNS000005002373 granting one time settlement under the RBI Guidelines on one time settlement scheme



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and permit them to remit the balance due amount as per settlement that will be arising under the one time settlement scheme.

For Petitioners : Mr.S.Titus
For R-1 : Mr.S.Ramasamy

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The relief sought for in the present Writ Petition is to direct the respondents to settle the loan in Loan Account No.C090COLNS000005002373 granting one time settlement under the RBI Guidelines on one time settlement scheme and permit them to remit the balance due amount as per settlement that will be arising under the one time settlement scheme. The relief as such sought for in the present Writ Petition is misconceived.

2. The learned counsel for the petitioners states that no notice or order has been passed under the provisions of the SARFAESI Act. The petitioners have not been served with any such order and therefore, the present Writ Petition has been filed.



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3. The learned counsel appearing on behalf of the respondent Bank made a submission that action was initiated under the SARFAESI Act and possession was taken. The petitioners have illegally broke open the seal and lock and actions are initiated against the petitioners under criminal law.

4. This being the factum, the petitioners have to work out their remedy in the manner known to law either by approaching the Debts Recovery Tribunal or before the competent Court. However, the Writ Petition is not entertainable. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (L.V.G.,J.)
18.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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and
L.VICTORIA GOWRI,J.

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