



W.P.(MD)No.23117 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.09.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.(MD)No.23117 of 2023

and

W.M.P(MD)No.19304 of 2023

M/s.Sree Annakamatchi Amman Rice Mill,
Represented by its Managing Partner,
Mr.V.Archunan

... Petitioner

Vs.

1.The Authorized Officer,
Karur Vysya Bank,
Business Banking Unit,
KVB Towers, 2nd Floor,
Alexandria Road,
Trichy – 620 001.

2.The Branch Manager,
Karur Vysya Bank,
Manachanallur Branch,
Annapoorana Nagar,
Edumalai Road, Manachanallur,
Trichy – 621 005.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the records relating to the first respondent proceedings made in possession notice for immovable property, dated 22.06.2023 issued under Section 13(4) of SARFAESI Act, quash the same.



W.P.(MD)No.23117 of 2023

For Petitioner :Mr.R.Sakthivel
For Respondents :Mr.R.Pandivel

ORDER

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

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent – Bank.

2. This Writ Petition is filed challenging the possession notice issued by the first respondent under Section 13(4) of the SARFAESI Act, 2002.

3. Though the petitioner has raised several factual and legal grounds, the main grievance of the petitioner is that the respondent bank is not considering their One Time Settlement proposal even though the petitioner approached the bank earlier.

4. If the bonafide request of the petitioner is not considered by the respondent bank, it would be appropriate for the petitioner to approach the bank for any concession or One Time Settlement or re-scheduling of loan, which may be considered by the bank in accordance with the Reserve Bank



W.P.(MD)No.23117 of 2023

guidelines or banking norms. Therefore, this Court is not inclined to entertain

this writ petition.

5. Therefore, this writ petition is dismissed with liberty to the petitioner to approach the bank with the aforesaid request. If any such representation is made by the petitioner within a period of two weeks from the date of receipt of a copy of this order, the respondent bank shall consider the same and pass appropriate orders and communicate the same to the petitioner, within a period of six weeks from the date of receipt of representation from the petitioner. Till such time, the respondents bank considers the representation of the petitioner and communicate the decision on such representation, the respondent bank shall not take any coercive action. No Costs. Consequently, connected miscellaneous petition is closed.

[S.S.R., J.] [D.B.C., J.]
22.09.2023

Index : Yes / No
NCC : Yes/No
pm



WEB COPY



W.P.(MD)No.23117 of 2023

S.S.SUNDAR, J.

and

D.BHARATHA CHAKRAVARTHY, J.

pm

W.P(MD)No.23117 of 2023

22.09.2023