



W.P.(MD) No.25659 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.25659 of 2022

and

W.M.P.(MD)No.19752 of 2022

A.Arul Godwin

... Petitioner

-Vs-

1.The Authorized Officer,

Canara Bank,

Sankaran Kovil, Tenkasi District.

2.Jeyabharathi

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to accept the entire liability to the 1<sup>st</sup> respondent in Loan Account Nos.1115261010119 and 1115261010126 and release the mortgage property to the petitioner based on the representation dated 15.09.2022.

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For Petitioner : Mr.V.M.Balamohanthampi  
For R1 : Mr.R.Pandivel,  
Standing Counsel  
For R2 : No Appearance

### **ORDER**

**[Order of the Court was made by D.KRISHNAKUMAR, J.]**

This Writ Petition is filed seeking issuance of a Writ of Mandamus, to direct the 1<sup>st</sup> respondent to accept the entire liability in Loan Account Nos.1115261010119 and 1115261010126 and release the mortgage property to the petitioner based on the representation dated 15.09.2022.

2.The learned Standing Counsel appearing for the 1<sup>st</sup> respondent submitted that in respect of Loan Account No.1115261010119, which relates to 'Akila Fibres', the property has already been brought for auction sale, wherein the 2<sup>nd</sup> respondent is the successful bidder and sale certificate is also issued in favour of him. In respect of Loan Account No.1115261010126, which relates to 'Ahila Timber Saw Mill and Hardwares, if the petitioner is ready to settle the

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entire outstanding amount as on date or to submit a proposal for One Time Settlement, he can very well approach the respondent Bank and the Bank will consider his request as per the norms.

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

4.Considering the fact that the mortgaged property in respect of the loan Account No.1115261010119, was brought for auction sale and the sale certificate was also issued in favour of the 2<sup>nd</sup> respondent, we are not inclined to pass any directions and it is for the petitioner to workout his remedy before the appropriate forum, if he is so advised. In respect of other loan is concerned, the petitioner is permitted to approach the respondent Bank for settling the entire outstanding amount as on date or seeking One Time Settlement within a period of two weeks from the date of receipt of a copy of this order. On receipt of such request, the respondent Bank shall consider the same and pass appropriate orders as per the guidelines issued by RBI within a period of four weeks thereafter. Till

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such time, the respondent Bank is directed not to take any coercive steps against the petitioner.

5. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**[D.K.K., J.] & [R.V., J.]**  
**20.01.2023**

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

*MYR*



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**D.KRISHNAKUMAR, J.**

**AND**

**R.VIJAYAKUMAR, J.**

*MYR*

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