



W.P.(MD)No.30207 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.30207 of 2023

Nava Pavithra

... Petitioner

Vs.

1.The Authorized Officer,
Cholamandalam Investment and Finance Ltd.,
Dare House - 2, N.S.C. Bose Road, Parrys,
Chennai – 600 001.

2.The Branch Manager,
Cholamandalam Investment and Finance Ltd.,
Branch Office 1st Floor, Star Towers B11,
Colony Main Road, No. 11H,
Cross Thillai Nagar, Trichy.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents not to take any coercive steps against the petitioner in furtherance to the return of cheque bearing Cheque No. 380773 of Canara Bank which was given as mere security against the business loan which was obtained by the petitioner and to direct the respondents to consider the representation dated 08.11.2023 for arriving at amicable settlement as far as clearance of arrears till date under One Time Settlement policy of the respondents.



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For Petitioner : Mr.S.Ramanathan

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ORDER

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

The prayer sought for in this Writ Petition is to direct the respondents not to take any coercive steps against the petitioner in furtherance to the return of cheque bearing Cheque No. 380773 of Canara Bank which was given as mere security against the business loan which was obtained by the petitioner and to direct the respondents to consider the representation dated 08.11.2023 for arriving at an amicable settlement as far as clearance of arrears till date under One Time Settlement policy of the respondents.

2. The relief as such cannot be granted by the High Court by conducting a roving enquiry. The petitioner has to approach the Debt Recovery Tribunal for appropriate relief. Since the petitioner being a borrower and alleged defaulter is not entitled to secure any relief from the hands of this Court. However, the petitioner is at liberty to approach the Debt Recovery Tribunal within 15 days from today.



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3. With the above liberty, the Writ Petition stands dismissed. No costs.

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(S.M.S., J.) & (V.L.N., J.)
19.12.2023

NCC : Yes / No
Index : Yes / No
SJ



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