



WP No.264 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

WP No.264 of 2024
and WMP No.325 of 2024

G.Thilagarani

.. Petitioner

-VS-

1. The Secretary,
Government of Tamil nadu,
Agricultural Department,
Secretariat, Chennai.
2. The Authorised Officer,
M/s.Bank of India, Recovery Department,
Coimbatore Zonal Office, Star House,
No.324, Oppanakara Street,
Coimbatore 641 001.
3. The District Collector,
Nilgiris.
4. State Level Bankers' Committee,
Convenor, Indian Overseas Bank,
763, Anna Salai, Chennai 600 002.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd Respondent herein to consider and pass orders on the representations of the petitioner seeking One Time Settlement dated 18.04.2022, 6.9.2023 and 30.10.2023 within a time frame.



WP No.264 of 2024

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For Petitioner : Mr.Srinath Sridevan
Senior Counsel
for Mr.P.M.N.Bhagavath Krishnan

For Respondents : Mr.K.Karthik Jegannath
Government Advocate
for RR 1 and 3
: Mr.F.B.Benjamin George for R-2
: Not ready in notice reg. R-4

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.Srinath Sridevan, learned senior counsel for the petitioner, Mr.K.Karthik Jegannath, learned Government Advocate for respondents 1 and 3 and Mr.F.B.Benjamin George, learned counsel for respondent No.2.

2. The learned senior counsel for the petitioner submits that the petitioner has filed a Securitisation Application before the Debts Recovery Tribunal, Coimbatore, challenging the sale notice. The present writ petition is also filed before this Court seeking direction to the 2nd respondent to consider One Time Settlement.



WP No.264 of 2024

WEB COPY

3. We had, by an interim order, permitted the sale to proceed, however, passed an order not to finalise the same on condition that the petitioner deposits an amount of Rs.16,00,000/- (Rupees sixteen lakhs only). The petitioner has complied with the order and deposited Rs.16,00,000/-. It is the further submission that the petitioner has also deposited an amount of Rs.10,00,000/- (Rupees ten lakhs only) after the issuance of the notice under Section 13(2) of the SARFAESI Act, 2002.

4. The learned senior counsel for the petitioner submits that the petitioner would prosecute the Securitisation Application before the Debts Recovery Tribunal.

5. In light of that, the amount of Rs.16,00,000/- deposited by the petitioner is transmitted to the Debts Recovery Tribunal, Coimbatore.

6. The interim protection granted by this Court shall continue for a period of fifteen days from today so as to enable the petitioner to



WP No.264 of 2024

seek appropriate relief before the Debts Recovery Tribunal. Needless to state that on lapse of fifteen days, the interim protection granted by this Court shall come to an end and the parties would be governed by the orders passed by the Debts Recovery Tribunal.

With the aforesaid observation, the writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(J.S.N.P., J.)

10.04.2024

Index : Yes/No

Neutral Citation : Yes/No

sra

To

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WP No.264 of 2024

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WP No.264 of 2024

10.04.2024