



WP No.6865 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.6865 of 2024

Magesh : Petitioner

versus

The Manager/Authorised Officer,
Canara Bank,
Uthiramerur Branch,
Uthiramerrur 603 406

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to consider the petitioner's representation dated 22.01.2024 for to pay the loan amount in installments for a period of two years and the interest may be waived.

For Petitioner : Mr.K.Manickam

ORDER

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(Made by the Hon'ble Chief Justice)

The petitioner seeks directions upon the respondent to consider his representation, with regard to his request to repay the loan availed by him, in installments.

2. The learned counsel for the petitioner submits that after the filing of the writ petition, a fresh notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act') has been issued. The petitioner has just now been employed. The petitioner receives a stipend of Rs.45,000/- per month and the same cannot be said to be a regular salary.

3. In case notice is received by the petitioner under Section 13(2) of the Act, then, the petitioner has a right to reply to the said notice and the bank is supposed to decide the objection raised by the petitioner, under Section 13(3A) of the Act. If further action under Section 13(4) of the Act is undertaken, the petitioner has a remedy before the Debts Recovery Tribunal.



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4. In view of that, the petitioner is at liberty to avail the alternate remedy as may be permissible under law. In that event, all contentions are kept open.

5. The writ petition stands disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

18.03.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

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