



WP Nos.9172 of 2024 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2024

CORAM

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

AND

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

WP Nos.9172, 9175, 9181 and 9182 of 2024

Saravanan Chinnasamy : Petitioner in WP Nos.9172, 9175,
9181 of 2024

Aruna Saravanan : Petitioner in WP No.9182 of 2024

versus

1.Authorised Officer,
Canara Bank,
No.68/2, Kamalayam Complex,
Kandasamy Vathiyar Street,
Dharmapuri 636 701

2.The Branch-in-charge,
Canara Bank,
No.68/2, Kamalayam Complex,
Kandasamy Vathiyar Street,
Dharmapuri 636 701

: Respondents

Prayer: WP No.9172 of 2024 filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned letter/show-cause notice in Ref.No.Aruna/01/2024/ WD dated 22.02.2024 of the 2nd respondent and to quash the same and direct the respondents not to



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proceed with any action against the petitioner by classifying him as 'wilful defaulter' pending disposal of SA No.630/2023 on the file of Debts Recovery Tribunal-III, Chennai.

WP No.9175 of 2024 filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned letter/show-cause notice in Ref.No.Saravana/01/2024/WD dated 22.02.2024 of the 2nd respondent and to quash the same and direct the respondents not to proceed with any action against the petitioner by classifying him as 'wilful defaulter' pending disposal of SA No.632/2023 on the file of Debts Recovery Tribunal-III, Chennai.

WP No.9181 of 2024 filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned letter/show-cause notice in Ref.No.Saravana/01/2024/WD dated 22.02.2024 of the 2nd respondent and to quash the same and direct the respondents not to proceed with any action against the petitioner by classifying him as 'wilful defaulter' pending disposal of SA No.629/2023 on the file of Debts Recovery Tribunal-III, Chennai.

WP No.9182 of 2024 filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned letter/show-cause notice in Ref.No.Saravana/01/2024/WD dated 22.02.2024 of the 2nd respondent and to quash the same and direct the respondents not to proceed with any action against the petitioner by classifying her as 'wilful defaulter' pending disposal of SA No.631/2023 on the file of Debts Recovery Tribunal-III, Chennai.

For Petitioners : Mr.K.K.N.Ganeshan

For Respondents : Mr.V.Kadhirvelu

COMMON ORDER



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(Made by the Hon'ble Chief Justice)

We have heard Mr.K.K.N.Ganeshan, learned counsel for the petitioner and Mr.V.Kadhirvelu, learned counsel for the respondents.

2. The petitioners are issued with notice asking them to clear-off the dues or else, the bank will initiate process for examining the account to classify it as 'wilful defaulter'. Challenging the same, the present petitions are filed.

3. Learned counsel for the petitioners submits that the petitioners have challenged the action taken by the bank under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 by filing securitisation application before the Debts Recovery Tribunal. The Tribunal has granted a conditional stay. The petitioners have complied with the condition and deposited 10% of the amount. One-time settlement proposal is also given and the same is pending. In the midst of the same, the impugned action is unwarranted and illegal.



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4. The impugned letter is asking the petitioners to clear-off the dues or else, the bank will initiate process of examining their accounts to classify them as 'wilful defaulter'. The process has not yet commenced. The petitioners have remedy and options open to assail the same, once the process is initiated. The petitions are premature at this point of time.

5. With the aforesaid observation, the writ petitions stand disposed of. There shall be no order as to costs. Consequently, WMP Nos.10200, 10205, 10209, 10215 of 2024 are closed.

(S.V.G., CJ.) (J.S.N.P., J.)
04.04.2024

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