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W.P.No.14049 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2024

CORAM

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P.No.14049 of 2022
& WMP.No.13292 of 2022

1.K.Nethaji
2.N.Porkodi
3.N.Narasimman Sami

... Petitioners

Vs

1. The Branch Manager,
IDBI bank Ltd.
64/11, Alagesan Road, Vedachala Nagar,
Chengalpattu Branch,
Chengalpattu – 603001.

2. Reserve Bank of India
16, Rajaji Salai,
Chennai,
Tamil Nadu 600001.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to vide the Offer Letter for OTS- Saral Karj Bhugtan Yojana – II dated 30.01.2021 to accept the One Time Settlement (OTS) amount, 10% of the payment along with and to collect the outstanding loan amount in 4 instalments commencing from 1st of July 2022 as per the norms



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mentioned in the OTS Letter dated 30/1/2021 issued by the Bank in accordance with the Law.

For Petitioner : Mr.V.Raghavachari
Senior Counsel
for Mr.P.Gnanasekaran

For Respondents : Mr.K.Balamurali
for M/s.Shivakumar & Suresh – R1
No appearance - R2

ORDER

WMP.No.13292 of 2022 filed seeking permission to file single Writ petition is ordered on payment of separate Court fee, if not already paid.

2. The petitioner seeks a mandamus to the respondent IDBI Bank to accept the offer letter for One Time Settlement (OTS). The petitioner is categorical that OTS should be for 10% of the payment, which would be paid in four instalments, commencing from 01.07.2022 and relies in this regard upon the norms in OTS letter dated 30.01.2021 issued by the Bank.

3. The submissions of M.V.Ragavachari, learned Senior Counsel, appearing for learned counsel on record for the petitioner are to the effect that the loan is an agricultural loan and the petitioner is hard-pressed to effect payments on account of various difficulties including the covid 19



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pandemic that had intervened.

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4. Per contra, learned counsel for the Bank would point out that there is a very little avenue for the Court to intervene in a matter of the present nature. He would also in this regard refer to a long line of judgments of Hon'ble Supreme Court to the aforesaid effect.

5. To a request from the petitioner that the representation dated 11.12.2019 filed by the petitioner seeking similar relief as sought for in this Writ Petition may be disposed, Mr.K.Balamurali, learned counsel for the first respondent Bank draws attention to communication dated 17.03.2021 where, in fact, OTS has been offered to the petitioner. He would submit that the terms set out therein have not been adhered to by the petitioner and hence the question of any further consideration of the matter does not arise.

6. Having heard both learned counsel, this Court is of the categorical view that a mandamus will not lie directing the bank to accept the OTS of the nature as curated by the petitioner. It is for the bank to apply its mind to the facts and circumstances of the matter and make an offer of the settlement.

7. In this case, it is seen that such a communication has been issued on 17.03.2021. The petitioner has, in fact, sent a reply



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02.05.2022, wherein, inter alia there is a prayer for acceptance of OTS terms and conditions, as according to them 5% payment has already been made and acknowledged by the Bank in letter dated 30.01.2021.

8. The narration as supra would indicate that there are various facts to be looked into the matter, in addition to the embargo that a mandamus in any event would not lie in a matter of the present nature.

9. In light of the aforesaid discussion, there is no merit in this writ petition and the same is dismissed. No costs.

sl

08.07.2024

Index:Yes/No

Speaking order:Yes

Neutral Citation:Yes

To

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