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W.P.No.23108 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.23108 of 2024

S.Baskar

.. Petitioner

Vs.

1. The General Manager
REPCO Home Finance Ltd.
No.33, North Usman Road
T.Nagar, Chennai 17.

2. The Manager
REPCO Home Finance Ltd.
Alexander Square, No.2 (Old Nos.34 & 35)
3rd Floor, Sardar Patel Road, Guindy
Chennai 600 032.

3. The Branch Manager
Repco Home Finance Limited
No.9/2, Elango Street (Opp) Sellam Hospital
Trichy Main Road, Perambalur 621 212
Perambalur District, Tamil Nadu.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the 2nd respondent to take necessary action to close the loan A/c. No.1581860000759 as



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per the letter of the 2nd respondent dated 02.07.2024 after providing an opportunity to the petitioner to negotiate and settle the loan as per the procedure established by law.

For the Petitioner : Ms.P.Uma

For the Respondents : Mr.G.Ilangovan

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

The petitioner seeks a direction to the second respondent to close his loan account as per the letter of the second respondent dated 02.07.2024.

2. According to the petitioner, he intends to settle the outstanding amount as per the One Time Settlement offered by the bank. However, his request for furnishing statement fell on deaf ears.

3. Learned counsel for the respondent bank submitted that the petitioner can have a discussion with the authorities of the bank for



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settling the outstanding amount.

4. The outstanding amount payable by the petitioner works out to around Rs.8 lakh and under the OTS, the petitioner was orally directed to pay Rs.12.75 lakh, without being furnished with any statement. We could not understand as to why the bank is reluctant to furnish the OTS offer letter in writing and orally direct petitioner to pay certain amount. This attitude of the respondent bank cannot be appreciated.

5. Though the writ petition filed under Article 226 of the Constitution of India is not maintainable, considering the facts and circumstances of the case where the petitioner intends to settle the outstanding amount through OTS and the respondent bank is reluctant to furnish the statement, we direct the respondent bank to consider the request of the petitioner and take appropriate decision, if the petitioner is otherwise eligible, within a period of four weeks from the date of receipt of a copy of this order.



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6. The writ petition is disposed of. There shall be no order as to costs.

(D.K.K., ACJ.) (P.B.B., J.)
04.09.2024

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

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D.KRISHNAKUMAR, ACJ,
AND
P.B.BALAJI,J.

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