IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-04-2024

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.33247 of 2023
And
WMP No.32966 of 2023

S.Kayalvizhi .. Petitioner

-vs-

1.The Chief Manager,
State Bank of India,
Egmore Branch,
Chennai-600 008.

2.The Manager (NPA),
RACPC,
State Bank of India,
Whannels Road,
Egmore,
Chennai-600 008. .. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents herein to regularise petitioner's Auto Loan Account No. 00000037635488775 as per restructure letter of arrangement, by lifting the NPA on petitioner's loan account and by permitting the petitioner to make the monthly EMIs, based on the petitioner's representation dated 14.11.2023 made to the respondents herein in person.

For Petitioner	:	Mr.K.Kannan
For Respondents	:	Mr.B.Raghavulu Naidu

O R D E R

The Writ of Mandamus has been instituted to direct the the respondents herein to regularise petitioner's Auto Loan Account No. 00000037635488775 as per restructure letter of arrangement, by lifting the NPA on petitioner's loan account and by permitting the petitioner to make the monthly EMIs, based on the petitioner's representation dated 14.11.2023 made to the respondents herein in person.

2. The petitioner borrowed vehicle loan from State Bank of India in the year 2018.

3. Admittedly, the petitioner committed default in repayment of monthly instalments. Thus the respondent-Bank initiated action against the petitioner. The petitioner submitted an application to restructure the loan on the ground that she suffered loss in her business due to COVID-19 pandemic. The respondent-Bank considered the claim of the petitioner and had restructured the loan granted to her.

4. The learned counsel for the respondents would submit that interest rate was reduced and the tenure of the loan also increased to 118 months and the interest rate payable is at 07.95% per annum at equated 55 monthly instalments and an amount of Rs.17,414/- payable from 22.07.2023. Even after restructuring the loan scheme in favour of the petitioner, she committed continuous default. Thus the respondent-Bank initiated action against the petitioner. Thereafter, the present writ petition came to be instituted by the writ petitioner.

5. The learned counsel for the petitioner would submit that the petitioner is ready and willing to settle the entire loan outstanding payable to the respondent-Bank. If at all the petitioner has decided to settle the entire loan amount and in the event of making payment, the respondent-Bank will release the hypothecation made pursuant to the loan.

6. The learned counsel for the respondents would submit that in the event of receiving full settlement from the petitioner, the respondent-Bank will release the hypothecation made in the vehicle loan.

7. In view of the said submission made on behalf of the learned counsel for the respondent-Bank and the agreement exists between the parties, no further adjudication is required in the present writ petition. The petitioner is at liberty to settle the loan amount and in the event of not settling the loan amount, the respondent-Bank is empowered to initiate action against the petitioner in the manner known to law.

8. With the above liberty, the present writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

02-04-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To

1.The Chief Manager,
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Egmore Branch,
Chennai-600 008.

2.The Manager (NPA),
RACPC,
State Bank of India,
Whannels Road,
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S.M.SUBRAMANIAM, J.

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