



W.P.(MD) Nos.1485, 1486 & 1488 of 2013

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)Nos.1485, 1486 & 1488 of 2013

and

M.P.(MD)Nos.1, 1 and 1 of 2013

S.Rajasekar

... Petitioner
in all petitions

-Vs-

1.The Assistant General Manager,
State Bank of India, Main Branch,
No.306, Beach Road, Tuticorin-1.

2.State Bank of India,
represented by its Regional Manager,
86, Opposite Beach Railway Station,
Rajaji Salai, Parrys, Chennai.

... Respondents
in all petitions

PRAYER in W.P.(MD)No.1485 of 2013: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in connection with the impugned order passed by the 1st respondent vide

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proceeding Ref.DBD/NPA, dated 03.10.2012 and proceedings dated 12.11.2012 and quash the same and to direct the 1st respondent to strictly workout the one time settlement amount as per the RBI guidelines and accept the payment from the petitioner under OTS by condoning the delay if any, so as to implement the OTS scheme in favour of M/s.A.N.Sundaram & Co., without any discrimination in letter and spirit and in accordance with the guidelines framed by RBI.

PRAYER in W.P.(MD)No.1486 of 2013: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in connection with the impugned order passed by the 1st respondent vide proceeding Ref.DBD/NPA, dated 03.10.2012 and quash the same and to direct the 1st respondent to strictly workout the one time settlement amount as per the RBI guidelines and accept the payment from the petitioner under OTS by condoning the delay if any, so as to implement the OTS scheme in favour of M/s.A.N.S.Raj & Co., without any discrimination in letter and spirit and in accordance with the guidelines framed by RBI.

PRAYER in W.P.(MD)No.1488 of 2013: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in connection with the impugned order passed by the 1st respondent vide proceeding Ref.DBD/NPA, dated 03.10.2012 and quash the same and to direct the 1st respondent to strictly workout the one time settlement amount as per the RBI guidelines and accept the payment from the petitioner under OTS by



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condoning the delay if any, so as to implement the OTS scheme in favour of M/s.Sekar Forwarding Company without any discrimination in letter and spirit and in accordance with the guidelines framed by RBI.

For Petitioner : Mr.V.Balaji
For Respondents : Mr.N.Murugesan
(in all petitions)

COMMON ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

The order of the 1st respondent dated 03.10.2012 is sought to be quashed in these Writ Petitions with a consequential direction to direct the 1st respondent to strictly workout the one time settlement amount as per the RBI guidelines and accept the payment from the petitioner under OTS by condoning the delay if any, so as to implement the OTS scheme in favour of M/s.A.N.Sundaram & Co., M/s.A.N.S.Raj & Co., and M/s.Sekar Forwarding Company respectively without any discrimination in letter and spirit and in accordance with the guidelines framed by RBI.



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2.After perusal of the prayer sought for by the petitioner in all these petitions, we are of the view that the prayer sought for herein cannot be entertained by this Court under Article 226 of Constitution of India. If the petitioner is aggrieved by any of the action taken by the respondent Bank, it is always open to him to seek appropriate remedy before the competent forum under SARFAESI Act. Therefore, these Writ Petitions are liable to be dismissed, accordingly, dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] & [R.V., J.]

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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