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W.P.(MD) No.3619 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2024

CORAM:

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

AND

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

W.P.(MD)No.3619 of 2024

and

W.M.P.(MD)Nos.3561 and 3562 of 2024

Senthilvel

... Petitioner

-Vs-

1.The Reserve Bank of India,
No.6, Rajaji Road,
Fort St.George, Chennai.

2.The Authorized Officer,
Piramal Capital & Housing Finance Limited,
(Formerly known as Dewan Housing Finance
Corporation Ltd.),
171A & 171 BLBR Complex,
Rajanaidu Road, Sivanandha Colony,
Coimbatore-641 012.

3.The Branch Manager,
Piramal Capital & Housing Finance Limited,
(Formerly known as Dewan Housing Finance
Corporation Ltd.),
Door No.12, 1st Floor, Shanmuga Bhavanam,
OCPM School Road,
Kamarajar Nagar 2nd Street, Chinna Chokkikulam,
Madurai-625 002.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned auction cum sale notice issued by the 3rd respondent dated 01.02.2024 and the auction sale is scheduled to be held on 06.03.2024 and quash the same on the ground that the same is arbitrary, illegal.

For Petitioner : Mr.M.Sridharan

ORDER

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

The auction cum sale notice dated 01.02.2024 issued by the 3rd respondent is under challenge in this Writ Petition.

2.According to the petitioner, he is the borrower of the 3rd respondent Bank and due to Covid-19 Pandemic situation, he was not able to pay the due amount, for which, the 3rd respondent initiated SARFAESI proceedings and filed a petition under Section 14 of SARFAESI Act before the learned Chief Judicial Magistrate, Madurai in Cr.M.P.No.451 of 2023 for taking possession of the petitioner's property. Therefore, he has filed an appeal before the jurisdictional Debts Recovery Tribunal, however, the same is not yet numbered. In these circumstances, the 3rd respondent Bank now issued the impugned auction cum sale notice, fixing the date for sale on 06.03.2024. Aggrieved over the same, the petitioner has filed this Writ Petition.



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3.Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner states that the petitioner is now ready and willing to repay the entire loan amount and seeking waiver of interest, has filed this Writ Petition.

4.We are of the view that the petitioner has not placed any relevant notification or circular or banking regulations that he is entitled for waiver of interest and this aspect has to be considered only by the respondent Bank, for which, this Court cannot issue any positive direction to the respondent Bank. Therefore, we are not inclined to entertain this Writ Petition. Accordingly, this Writ Petition stands dismissed. It is for the petitioner to approach the respondent Bank, seeking waiver of interest or for One Time Settlement and it is for the respondent Bank to consider the same. No costs. Consequently, connected miscellaneous petitions are closed.

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

16.02.2024

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

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AND

R.VIJAYAKUMAR, J.

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