



WP(MD). No.26735 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.11.2024

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

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G.Pugalenthi

... Petitioner

Vs

1. The Authorised Officer,
Represented by Authorised Signatory
Axis Bank,
Thallakulam
Madurai.

2.The Authorised Officer,
Axis Bank
No.273 Thiruppathur Road
Devakottai.

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus to direct the respondents in consider the representation dated 16.10.2024 and grant reasonable time for OTS with regard to the loan account No.



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916030032994583 in the respondent's proceedings
AXISB2023-2024/2844786 dated 25.10.2023 pending before the
respondent's bank.

For Petitioner : Ms.V.Jeyarani
For Respondent : Mr.Pethu Rajesh

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. The prayer in the writ petition is for extension of time for settling the dues of the bank. The petitioner, who is a defaulter, had earlier approached this Court by filing a writ petition in WP(MD) No. 1453/2023 to quash the proceedings initiated by the respondent bank under the provisions of the SARFAESI Act.

3. Though the grounds taken in the writ petition were challenge to the SARFAESI proceedings, the petitioner herein had undertaken before



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the Coordinate Bench that he will pay a sum of Rs.6 lakhs, on or before 16.02.2023 and sought time for settling the dues fully. In the light of the submissions made and apparently on sympathetic approach, the coordinate Bench has passed the following order:

“4.In the light of the aforesaid submission, with the consent of both parties, we are inclined to pass the following order:-

“(i)The petitioner is directed to pay a sum of Rs.6,00,000/- (Rupees Six Lakhs Only) on or before 16.02.2023 and further sum of Rs.4,00,000/- (Rupees Four Lakhs Only) on or before 02.03.2023 to the respondent Bank;

(ii)He is further directed to submit a proposal for One Time Settlement to the respondent Bank on or before 02.03.2023 for the balance outstanding amount;

(iii)On receipt of such proposal, the respondent Bank shall consider the same and pass appropriate orders as per the guidelines issued by RBI and communicate the decision to the petitioner;

(iv)We make it clear that if the



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petitioner fails to make any one of the aforesaid payments, the respondent Bank is at liberty to proceed further in accordance with law; and

(v)It is needless to mention that after the disposal of the proposal for One Time Settlement to be submitted by the petitioner, if the petitioner seeks any time for settling the entire outstanding amount, the respondent Bank shall consider the same.”

4. The aforesaid extract is self-explanatory. In clause 4(iv), the Coordinate Bench had made it very clear that if the petitioner fails to make any one of the aforesaid payments, the respondent bank is at liberty to proceed further in accordance with law. In spite of such a direction, the petitioner has not complied with the order, but again seeks further time.



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5. The writ petition itself would not be maintainable before this Court in view of the alternate remedy available to the petitioner to approach the Debt Recovery Tribunal. This apart, when the petitioner had deliberately floated the earlier directions of this Court, we do not intend to extend any further lenience. Thus, there are no merits in the writ petition. Accordingly, the writ petition stands dismissed. No costs.

[M.S.R.,J]

[A.D.M.C.,J]

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NCC : Yes/No

Index : Yes/No

RR



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AND
A.D.MARIA CLETE, J.

RR

ORDER
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