

Riyas, vs the Branch Manager,

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Court : Kerala

Decided On : Mar-27-2025

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : WP(C)/12235/2025

Appellant : RIYAS,

Respondent : The Branch Manager,

Judgement :

WP(C) NO. 12235 OF 2025 1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
THURSDAY, THE 27TH DAY OF MARCH 2025 / 6TH CHAITHRA, 1947
WP(C) NO. 12235 OF 2025 PETITIONER/S: RIYAS, AGED 32 YEARS
S/O. MAMMOOTTY, THEYYAMPADI ADUKKATH P.O., KUTTIADY,
KOZHIKODE, PIN - 673508 BY ADV SAYED MANSOOR BAFAKHY
THANGAL RESPONDENT/S: 1 THE BRANCH MANAGER, IDBI BANK
LTD., KALPETTA, KALPETTA BUSINESS CENTRE, BYPASS
JUNCTION, WAYANAD, WAYANAD DISTRICT, PIN - 673121 2
AUTHORISED SALE OFFICER, IDBI BANK LTD., KALPETTA,
KALPETTA BUSINESS CENTRE, BYPASS JUNCTION, WAYANAD,

WAYANAD DISTRICT, PIN - 673121 SMT. R REMA, SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 12235 OF 2025 2

JUDGMENT

The petitioner has approached this Court, seeking a direction to the respondent bank to grant further time for making payment in terms of a One Time Settlement sanctioned to the petitioner by the respondent bank.

2. Learned counsel appearing for the respondent bank

submits that the One Time Settlement was offered under a specific scheme and the terms of that Scheme cannot be modified as requested for by the petitioner. It is submitted that, this Court cannot, in the exercise of jurisdiction under Article 226 of the Constitution of India modify the terms of One Time Settlement, going by the principles laid down by this Court in State Bank of India V. Sham; 2024 (6) KLT 865.

3. Having heard the learned counsel appearing for the

petitioner and the learned counsel appearing for the respondent bank, I am of the view that the learned counsel appearing for the respondent bank is right in contending that, this Court cannot, in the exercise of jurisdiction under Article 226 of the Constitution of India, direct the bank to modify the terms of One Time Settlement offered to the petitioner. However, it will be open to

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the respondent bank to consider any request that may be made by the petitioner for modification of the terms of One Time Settlement. Therefore, the writ petition will stand disposed of, directing that Exhibit P4 request made by the petitioner shall be considered and disposed of by the competent Authority of the respondent bank, within a period of

one week from the date of receipt of a certified copy of this judgment (if not already disposed of). Writ Petition is ordered accordingly. Sd/-
GOPINATH P. JUDGE

ajt WP(C) NO. 12235 OF 2025 4 APPENDIX OF WP(C) 12235/2025 PETITIONER
EXHIBITS

Exhibit P 1

TRUE COPY OF JUDGMENT DATED 27-03-2024 IN

SETTLEMENT SCHEME DATED 13-02-2025 Exhibit P 4 TRUE COPY OF
REPRESENTATION DATED 21-03-2025 SUBMITTED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT

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