



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.[MD].No.11941 of 2017
and
M.P.[MD]Nos.9200 & 9201 of 2017

P.Suruli

: Petitioner

Vs.

1.Syndicate Bank,
Represented by its Authorized Officer,
Regional Office, Claret Plaza,
Melakkal Main Road,
Kochadai, Madurai-16.

2.The Manager,
Syndicate Bank,
Thamaraipadi Branch, Dindigul.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to impugned possession notice issued by the 1st respondent dated 13.03.2017 and quash the same as illegal.

For Petitioner : Mr.C.M.Arumugam

For Respondents : Mr.R.Pandivel

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.C.M.Arumugam, learned counsel appearing for the petitioner, Mr.R.Pandivel, learned Standing Counsel appearing for the respondents / Bank.

2.The petitioner is a borrower of a loan from the 2nd respondent / Syndicate Bank and challenging the possession notice issued under the provisions of SARFAESI Act has filed this Writ Petition. It is admitted by the petitioner that on receipt of the notice issued under Section 13(2) of the Act the petitioner has



not sent any reply to the respondents / Bank. Now he is before us alleging that property which was mortgaged for the loan transaction is brought for sale. *Prima facie*, we are not inclined to entertain the Writ petition, but nevertheless, since the learned counsel for the petitioner submitted that the petitioner is ready and willing to settle entire loan amount, which is less than Rs.22,00,000/-.

3. Notice was served on the respondent / Bank. Accordingly, Mr. R. Pandivel, learned standing counsel appearing for the respondent / Bank appeared before us. It is submitted by the learned counsel for the respondent / Bank that the petitioner has given a letter to the respondent / bank agreeing to settle the outstanding loan amount within a period of forty five days and the respondent / Bank is awaiting, till such time no coercive action shall be taken pursuant to the possession notice issued on 13.03.2017.

4. In the light of the above circumstances, we direct the petitioner to adhere to the undertaking given to the respondent / Bank within a period of 45 days from the date of receipt of a copy of this order. Till such time, the respondent / Bank shall not take any coercive action pursuant to the possession notice on 13.03.2017.

5. With this observation, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub-Assistant Registrar

To

1. The Authorized Officer, Syndicate Bank,
Regional Office, Claret Plaza,
Melakkal Main Road,
Kochadai, Madurai-16.

2. The Manager, Syndicate Bank,
Thamaraipadi Branch, Dindigul.

+One cc to Mr. C. M. Arumugam, Advocate, SR.No.63196

gns/myr

RL/4C/2P/KK/SAR1/26/7/2017

ORDER MADE IN

W.P. [MD].No.11941 of 2017
and

M.P. [MD] Nos.9200 & 9201 of 2017
29.06.2017