



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2017

CORAM

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THE HON'BLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.(MD) No. 2586 of 2017

and

W.M.P.(MD) No.2155 of 2017

Sivasakthi Pavor blocks Design Tiles

and cement works

Represented by its Proprietor

A.Jeyaraaman

... Petitioner

-Vs-

1.The Senior Regional Manager,

The Tamilnadu Industrial Investment Corporation Ltd.,

No.1A, 2nd East Main Street,

Anna Nagar, Madurai District.

2.The Branch Manager,

The TamilNadu Industrial Investment Corporation Ltd.,

No.1A, 2nd East Main Street,

Anna Nagar, Madurai District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorari to call for the records relating to the impugned notice issued by the 2nd respondent in his proceedings in TIIC/MDU/BO/2016-2017 dated 07.02.2017 and quash the same.

For Petitioner : M/s. A. Banumathy

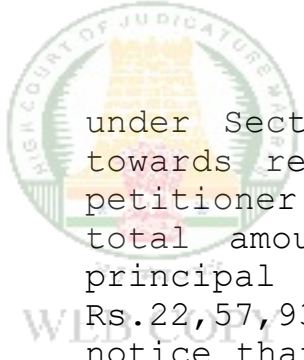
For Respondents : Mr. C. Selvaraj
Special Government Pleader

O R D E R

Mr.C.Selvaraj, learned Special Government Pleader takes notice for the respondents.

2. By consent of parties, the main Writ Petition itself is taken up for final disposal.

3.The petitioner challenges the proceedings of the second respondent dated 07.02.2017 informing the petitioner about taking possession (constructive) of primary asset and collateral security



under Section 29 of the State Financial Corporation Act, 1951 towards recovery of loan dues on 16.02.2017 at 11.00 a.m. The petitioner borrowed loan from the respondents-corporation and the total amount due and payable by the petitioner including the principal and interest and other charges comes to Rs.22,57,934/- as on 31.01.2017. It is stated in the impugned notice that in spite of repeated reminders, the petitioner has not repaid the loan amount and therefore, after issuing the foreclosure notice dated 27.12.2016, the present notice dated 07.02.2017 is issued for taking possession of the properties given as collateral security towards the said loan transaction.

4. The learned counsel appearing for the petitioner submitted that though the petitioner has filed the present writ petition challenging the impugned proceedings, the quantum of the amount referred to in the impugned proceedings payable by the petitioner is not in dispute and on the other hand, the only grievance of the petitioner is that the said amount could not be paid to the respondents in time due to the demonetization issue. Therefore, he submitted that if sufficient time is given to the petitioner, they would pay the entire arrears to the respondents.

5. The learned Special Government Pleader appearing for the petitioner submitted that when the amount is huge, unless the petitioner shows the some bonafide, no indulgence need be granted by this Court.

6. Heard both sides.

7. The petitioner is not disputing the quantum of arrears. On the other hand, they only seek some breathing time to re-pay the amount in view of the demonetization problem. As the petitioner has come forward to re-pay the total dues, suffice, if the petitioner is directed to make such payment in the following manner, so that it would protect the interest of the respondents.

(a) The petitioner shall pay a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the second respondent by tomorrow, namely, 16.02.2017, without waiting for a copy of this order.

(b) The petitioner shall pay a sum of Rs.9,00,000/- (Rupees Nine Lakhs Only) to the second respondent within a period of four weeks from the date of receipt of a copy of this order.

(c) The balance amount of Rs.11,57,934/- (Rupees Eleven Lakhs Fifty Seven Thousand Nine Hundred and Thirty Four Only), shall be paid in two installments within a period of four weeks thereafter.

(d) If any one of the installments is not paid by the petitioner, it is open to the respondents to take possession of the properties and proceed in accordance with law.

<https://hccourtservices.in/>

Accordingly, the Writ Petition is allowed in the above



terms. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(AS)

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/True Copy/

Sub Assistant Registrar

PM

To:

1.The Senior Regional Manager,
The Tamilnadu Industrial Investment Corporation Ltd.,
No.1A, 2nd East Main Street,
Anna Nagar, Madurai District.

2.The Branch Manager,
The TamilNadu Industrial Investment Corporation Ltd.,
No.1A, 2nd East Main Street,
Anna Nagar, Madurai District.

+1cc to Mr.A.Banumathy,Advocate Sr.No. 8333

+1cc to Spl.Government Pleader Sr.No. 8653

JAM/21.02.17 /RSK/SAR I/ 3P-5C

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