



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.(MD)No.6693 of 2017

and

W.M.P.(MD) .Nos.5263 and 5264 of 2017

1.M.Anand Kumar

2.A.Rajalakshmi

... Petitioners

Vs.

The Authorised Officer,
Axis Bank Ltd.,
Loan Centre
61/4th Pattu Arcade
Bypass Road,
Ram Nagar,
Madurai - 10.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertains to the respondent's impugned possession notice No.Nil dated 06.02.2017 and quash the same as illegal and arbitrary and consequently direct the respondent to consider the representation of the petitioner, dated 23.02.2017.

For Petitioners : Mr.M.Rajendran
For Respondent : Mr.M.Senthil Kumar

O R D E R

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

The petitioners have challenged the Possession Notice dated 06.02.2017, issued by the respondent Bank contending that the amount mentioned in the Notice is erroneous and not sustainable and for various other reasons.

2. The correctness of the Possession Notice cannot be decided in the writ petition. The petitioners appear to have not approached the Debts Recovery Tribunal earlier, when notice under Section 13(4) was issued.

3. The learned counsel appearing for the respondent Bank on instructions submits that as on date 12 instalments are due and



the respondent Bank is ready to regularise the account, provided certain compliance are effected by the petitioner.

4. In the light of the said submission, the respondent Bank is directed to consider the petitioners' representation dated 23.02.2017, after affording an opportunity of personal hearing to the petitioners and set down the terms which they are offering and if the petitioners accept the same, appropriate orders may be passed for regularising the same. Accordingly, this writ petition is disposed of.

5. The above said direction shall be complied with within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

akv
To
The Authorised Officer,
Axis Bank Ltd.,
Loan Centre
61/4th Pattu Arcade
Bypass Road,
Ram Nagar,
Madurai - 10.

+1 cc to Mr.M.RAJENDRAN, Advocate SR.No. 54409

W.P. (MD) No. 6693 of 2017
26.04.2017

SMA/MSA/SAR-3/12.05.2017:2P/3C