



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2018

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI

Writ Petition (MD).No.1637 of 2018
and
W.M.P. (MD).No.1737 of 2018

L.Kalyana Sundaram

... Petitioner

Vs.

The Authorized Officer,
Canara Bank,
Kombai Branch,
Theni District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned possessin notice issued by the respondent Bank dated 19.01.2018 and quash the same as illegal and consequently forbear the respondent from taking any coercive action against the petitioner or his property and quash the same as illegal.

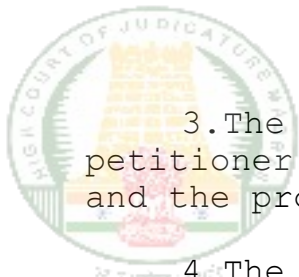
For Petitioner	:	Mr.Ajmalkhan Senior Counsel for M/s.Ajmal Associates
For Respondent	:	Mr.Dilip Kumar

ORDER

(Order of the Court was made by T.S.SIVAGNANAM, J)

Heard Mr.Ajmalkhan, learned Senior Counsel for M/s.Ajmal Associates appearing for the petitioner and Mr.Dilip Kumar, learned counsel appearing for the respondent.

2.The petitioner challenged the possession notice issued by the respondent Bank contending that the property in question is the only property owned by him; and he fixed marriage of his daughter and if the property is sold, the marriage cannot be performed. Though in the writ petition, an interim order of injunction was granted, it appears that the marriage did not take place for certain other reasons.



3.The learned counsel for the petitioner submitted that the petitioner is willing to settle the entire amount in two instalments and the property may not be brought for sale.

4.The learned counsel for the respondent Bank submits that sufficient time was granted to the petitioner to clear the liability and the Bank has given a long rope taking into consideration his health condition.

5.In the light of the submissions made by the learned counsel for the petitioner that the petitioner is willing to settle the liability, we dispose of the writ petition by directing the respondent Bank to keep in abeyance the impugned possession notice for a period of 15 days from the date of receipt of copy of the order. Within the said time frame, the petitioner should approach the respondent Bank and give appropriate proposal for one time settlement of the entire loan. If the proposal is acceptable in terms of relevant regulations, the respondent Bank shall consider the same and pass necessary orders, failing which the respondent Bank would be entitled to proceed further pursuant to the impugned possession notice.

6.With the above direction, this writ petition stands disposed of. No costs. Consequently, W.M.P.(MD)No.1737 of 2018 is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

+ 1 CC TO M/s.AJMAL ASSOCIATES, IN SR No. 52636
+ 1 CC TO Mr.N.DILIP KUMAR, ADVOCATE IN SR No. 52641

MRN

TE/GT/SAR-3 : 14/03/2018 : 2P/3C

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