



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) No.14759 of 2020
and
W.M.P. (MD) No.12419 of 2020

1. R.Velmurugan
 2. M/s.Pro Visual Audio Private Ltd.,
Rep. by its Managing Director,
P.Natarajan
 3. M/s.Sukrith Motor Cars Private Ltd.,
Rep. by its Managing Director,
N.Maheswari
- : Petitioners

Vs.

1. The Authorised Officer,
Kotak Mahindra Bank Ltd.,
Samson Towers (4th Floor),
402403L, Pantheon Road,
Egmore, Chennai - 600 008.
 2. The Commissioner of Police,
Madurai City.
- : Respondents

[R2 suo-motu impleaded vide order of this Court dated 18.12.2020,
passed in W.P.(MD)No.14759 of 2020]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the 1st respondent bank to grant an additional moratorium period of three and a half months to the petitioners to settle the entire outstanding balance loan amount of Rs.11,25,94,233.21/-, that is, on or before the 30th day of January, 2021, in the matter of Possession Notice dated 03.04.2019, issued by the 1st respondent bank, on the petitioners or within a time frame that may be stipulated by this Court.



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For Petitioners : Mr.Veerakathiravan,
Senior Counsel
for Mr.A.Rajaram
For Respondents : Mr.Ananda Gomathy for R.1
Mr.M.Muthugeethaiyan,
Special Government Pleader for R.2

ORDER

(Order of the Court was made by N.KIRUBAKARAN, J.)

This writ petition has been filed seeking issuance of a writ of mandamus directing the 1st respondent bank to grant an additional moratorium period of 3 ½ months to the petitioners to settle the entire outstanding balance loan amount of Rs.11,25,94,233.21/-, in the matter of Possession Notice dated 03.04.2019, issued by the 1st respondent bank.

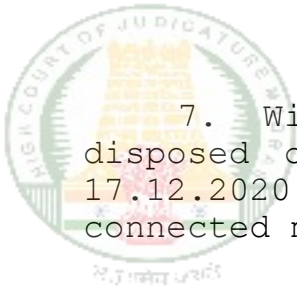
2. When the matter is called today, the learned Senior Counsel appearing for the petitioners would submit that the petitioners undertook to pay the amount by selling the properties on or before 31.01.2021. The learned Senior Counsel has also produced an undertaking affidavit of the petitioners, dated 17.12.2020 and the learned Counsel appearing for the 1st respondent / bank has also agreed for the same.

3. This Court has perused the undertaking affidavit filed by the petitioners dated 17.12.2020, undertaking to settle the matter amicably on or before 31.01.2021. In view of such undertaking, the 1st respondent / bank is directed not to disturb the petitioners' property till 31.01.2021.

4. In case, if the petitioners are unable to settle the dues as per their undertaking, they shall hand over the possession of the property to the 1st respondent / bank on 01.02.2021, without any protest. In case, if the petitioners are not coming forward to hand over the possession, the 1st respondent / bank, on 02.02.2021, with police protection, can take possession.

5. For effective implementation of this order, this Court suo-motu impleads the Commissioner of Police, Madurai City, as 2nd respondent and Mr.M.Muthugeethaiyan, learned Special Government Pleader takes notice for the newly impleaded 2nd respondent.

6. On receipt of any representation from the 1st respondent / bank seeking police protection on or after 02.02.2021, the 2nd respondent is directed to consider the same and provide necessary protection enabling the 1st respondent / bank to take possession of the property.



7. With the above directions, this writ petition stands disposed of. The undertaking affidavit of the petitioners dated 17.12.2020 shall form part of this order. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

gk

Enclose: Xerox Copy of undertaking Affidavit

To

The Commissioner of Police,
Madurai City.

+1cc to Mr.A.Rajaram, Advocate, SR.No.26571.

**W.P. (MD) No.14759 of 2020
and**

**W.M.P. (MD) No.12419 of 2020
18.12.2020**

SS (CO)

CS: 18.01.2021 3P 3C