



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **11.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **N. KIRUBAKARAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P. (MD)No.17126 of 2020

and

W.M.P. (MD)Nos.14282 and 14284 of 2020

V.G.Janani

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Assistant Collector,
Tirunelveli District,
Tirunelveli.

3. The Authorized Officer,
IDBI Bank Ltd.,
115, Anna Salai,
P.B.No.805, Saidapet,
Chennai.

4. The IDBI Bank Ltd.,
Tirunelveli Branch,
City Shopping Centre,
Trivandrum Bye-pass Road,
Vannarpettai,
Tirunelveli.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorari, calling for the records of the impugned order of the 2nd respondent in Roc.A5/3116/2020 dated 19.11.2020 and quash the same.

For Petitioner :Mr.H.Arumugam

For Respondents :Mr.M.Muthugeethaiyan,
Special Government Pleader for R1 and R2
Mr.Prabhakaran for R3 and R4

ORDER

[Order of the Court was made by **N. KIRUBAKARAN, J.**]

The petitioner has come before this Court, challenging the possession notice dated 19.11.2020.

2. Heard Mr.H.Arumugam, learned counsel for the petitioner, Mr.M.Muthugeethaiyan, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.Prabhakaran, learned counsel



appearing for the respondents 3 and 4.

3. When this matter came up on 26.11.2020, it was represented by Mr.H.Arumugam, learned counsel appearing for the petitioner that the petitioner intends to pay a sum of Rs.3 lakhs on or before 27.11.2020 and is ready to pay the balance amount, as One Time Settlement on or before 31.03.2021.

4. Today, when the matter is called, it is represented by the learned counsel for the petitioner that the petitioner has paid a sum of Rs.3 lakhs and an affidavit has been filed by the petitioner giving an undertaking to pay a sum of Rs.10,69,401/- (Rupees Ten Lakhs Sixty Nine Thousand Four Hundred and One only), being the balance amount, on or before 31.03.2021.

5. However, Mr.Prabhakaran, learned counsel appearing for the respondents 3 and 4 submits that the Bank is ready to receive a sum of Rs.10,69,401/- (Rupees Ten Lakhs Sixty Nine Thousand Four Hundred and One only) along with simple interest from 08.12.2020 to 31.03.2021.

6. The undertaking affidavit given by the petitioner is filed before this Court and the relevant paragraph reads as under:

"3. I hereby undertake to pay the outstanding amount of Rs.10,69,401/- on or before 31.03.2021. I have arranged for payment and if the same is ready I will remit it to the Bank even before 31.03.2021. In any event I would settle the entire dues on or before 31.03.2021."

7. In view of the above, the petitioner is directed to pay a sum of Rs.10,69,401/- (Rupees Ten Lakhs Sixty Nine Thousand Four Hundred and One only) along with simple interest from 08.12.2020 to 31.03.2021. If the said amount is paid on or before **31.03.2021**, the respondents 3 and 4 are directed to discharge the petitioner from the liability and issue No Due Certificate to her.

8. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

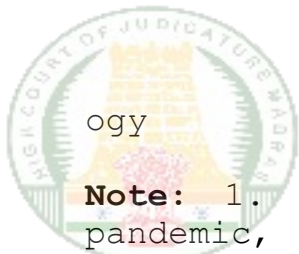
Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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Note: 1. In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Assistant Collector,
Tirunelveli District,
Tirunelveli.
3. The Authorized Officer,
IDBI Bank Ltd.,
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4. The IDBI Bank Ltd.,
Tirunelveli Branch,
City Shopping Centre,
Trivandrum Bye-pass Road,
Vannarpettai,
Tirunelveli.

+1CC to M/s.H.Arumugam SR.No.25357 dated 14/12/2020

+1CC to M/s.J.Prabhakaran SR.No. 25603 dated 15/12/2020

W.P. (MD) No.17126 of 2020
11.12.2020

SS (CO)

KB(04.01.2021) 3P 7C