



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.01.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS. JUSTICE S.ANANTHI**

**W.P. (MD)No.260 of 2021
and W.M.P. (MD) No.201 of 2021
(Through Video Conferencing)**

S.Panchavarnam : Petitioner
Vs.

1.M/s.Aptus Value Housing Finance India Limited,
Rep. by its Authorized Signatory
No.8B, Doshi Towers,
205, Poonamallee High Road,
Kilpauk, Chennai.

2.The District Collector,
Madurai District, Madurai.

3.The Tahsildar,
Madurai North Taluk
Madurai.

: Respondents

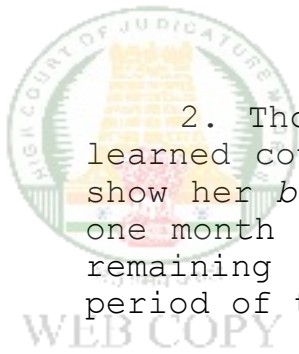
PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus to call for the notice issued by the Tahsildar, Madurai North in Roc.No.6612/2020/B6 dated 22.12.2020 served on the petitioner on 05.01.2021, quash the same as illegal and consequently direct the 1st respondent to forbear from evicting the petitioner from her only source of residence and livelihood without due process of law and further grant her time to pay back entire amount due to the first respondent.

For Petitioner : Ms.W.Pamelin
For Respondents : Ms.Mahalakshmi for R1
Mr.K.Mu.Muthu for R2 & R3
Additional Government Pleader

ORDER

(Order of the Court was made by M.M.SUNDRESH, J)

Heard the learned counsel for the petitioner, the learned counsel appearing for the first respondent and the learned Additional Government Pleader appearing for the respondents 2 and 3.



2. Though the writ petition as filed is not maintainable, the learned counsel for the petitioner submitted that the petitioner to show her *bona fide* would pay a sum of Rs.2 lakhs within a period of one month from the date of receipt of a copy of this order and the remaining amount of Rs.2,75,000/- would be paid within a further period of two months thereafter.

3. The learned counsel for the respondent No.1 Bank stated that if the petitioner does not comply with the said payment, then, liberty may be given to the first respondent to proceed in accordance with law. It is further submitted that the aforesaid amount of Rs.4,75,000/- has come because of the subsequent interest within the one mentioned in the notice issued under Section 13(2) of the SARFAESI Act.

4. Since it is agreed by both counsels, this writ petition stands disposed of on the following terms:

(i) The petitioner shall pay a sum of Rs.2 lakhs within a period of one month from today to the respondent No.1;

(ii) Another sum of Rs.2,75,000/- will have to be paid within further period of three months thereafter by the petitioner ;

(iii) If this order is not complied with either fully or partially, the respondent No.1 is at liberty to proceed further ;

(iv) On such compliance, the entire loan payable by the petitioner shall stand foreclosed and consequently the proceedings initiated would get abated.

No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

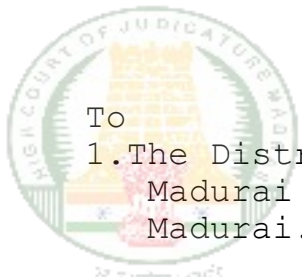
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/ /2021

Sub Assistant Registrar(CS)

RR

Note: 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,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai North Taluk, Madurai.

+1 CC to SGP (SR-633[F] dated 08/01/2021)

**Order made in
W.P. (MD) No.260 of 2021
Dated: 07.01.2021**

KM (20.01.2021) 3P 4C