



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 21.04.2021

CORAM

**THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM**

**AND**

**THE HONOURABLE MRS.JUSTICE S.ANANTHI**

WEB COPY

**W.P. (MD)No.6091 of 2020**

**and W.M.P. (MD) Nos.5272 to 5275 and 14080 of 2020**

PL.Swaminathan

... Petitioner

Vs.

1.The District Magistrate - cum - District Collector,  
Office of the Collectorate,  
Madurai District.

2.The Tahsildar,  
Madurai North,  
Office of the Collectorate,  
Madurai District.

3.The Branch Manager,  
Sundaram Home Finance Company,  
KSP Towers, No.51, 4<sup>th</sup> Floor,  
Bye-Pass Road,  
Near Aristo Hospital,  
Ponmeni,  
Madurai - 625 016.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the impugned order passed by the first respondent by his proceedings in Roc.No.C6/53727/2015, dated 28.11.2019 and to quash the same and consequently direct the first respondent to de-seal and unlock the secured asset and to redeliver the possession of the dwelling house of the petitioner in door No.2/348, Mookambikai Street, Narayanapuram, Madurai District.

For Petitioner : Ms.P.Jesi Jeeva Priya

For Respondent Nos.1 & 2 : Mr.K.P.Krishnadass  
Special Government Pleader

For Respondent No.3 : Mr.Jerin Mathew  
for M/s.M.E.Elango

\* \* \* \* \*

**ORDER**

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

The writ petition has been filed, challenging the proceedings of the first respondent in Roc.No.C6/53727/2015, dated 28.11.2019, initiated under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002, by the borrower, who is defaulter, whose account has become NPA in the year 2014.

2.Learned counsel for the petitioner submitted that 80% of the loan amount has been settled. However, the counter affidavit filed by the third respondent would state that the calculation given by the petitioner is not correct and still there is outstanding.

3.In any event, we cannot interfere with the impugned order in the Writ Petition filed under Article 226 of the Constitution of India. Therefore, we have to dismiss this Writ Petition. Accordingly, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

4.However, taking into consideration the fact that a portion of the amount has been paid by the petitioner, we give one more opportunity to the petitioner to go in person and meet the third respondent on 03.05.2021 at 11.00 a.m. and make his genuine offer and if the offer is acceptable to the third respondent, they shall consider the fact that in the present situation there are several defaults and several accounts have become NPA and arrive at a decision on or before 07.05.2021 and till then the possession of the petitioner shall not be disturbed. Every endeavour shall be made by the petitioner and the third respondent to see to it that the entire dispute is settled.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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 Magistrate - cum - District Collector,  
Office of the Collectorate,  
Madurai District.

2.The Tahsildar,  
Madurai North,  
Office of the Collectorate,  
Madurai District.

+1 CC to M/s.P.JESSI JEEVA PRIYA, Advocate ( SR-17108[F] dated 22/04/2021 )

+1 CC to M/s.SPL GP ( SR-17139[F] dated 22/04/2021 )

**W.P. (MD) No. 6091 of 2020**  
**21.04.2021**

RK (30.04.2021) 3P 5C