



WEB COPY

W.P.(MD).No.11366 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.11366 of 2021

and

W.M.P (MD) .No.8900 of 2021

P.Manikandan

... Petitioner

Vs

1. The Presiding Officer,
Debts Recovery Tribunal,
Madurai.

2. The District Collector,
District Magistrate,
Madurai.

3. The Authorised Officer,
Muthoot Housing Finance Limited,
Madurai Branch, No.84, 2nd Floor,
Southveli Street,
Madurai.

4. The Tahsildar,
East Taluk, Madurai District.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus calling for the records pertaining to quash the impugned proceedings in S.A.No.345 of 2020 dated 17.03.2021 of the first respondent herein and quash the same as illegal and unconstitutional and consequently forbear the respondents No.2 and 3 from dispossessing the petitioner from their property situated in R.Survey No.42/5, Old No.3/201, New No.3/218, Kollangulam Village, Vellaiyankundram, Mathur Panchayat, Madurai District and consequently direct the first respondent to extend the period of stay and give me adequate opportunity to clarify the order dated 05.01.2021 with regard to the errors in the payment of loan.

For Petitioner : Ms.A.Rajini

For respondents : Mr.A.K.Manickam,
Standing Counsel for
Government
for R2 and R4
Mr.M.Karunanithi for R3



ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

We have heard Ms.A.Rajini, learned counsel appearing for the petitioner; Mr.A.K.Manickam, learned Government Counsel appearing for the respondents 2 and 4 and Mr.M.Karunanithi, learned counsel appearing for the third respondent.

2. This writ petition has been filed challenging the order passed by the Debts Recovery Tribunal, Madurai, in S.A.No.345 of 2020 dated 17.03.2021. By the impugned order, the Debts Recovery Tribunal has vacated the order of interim stay.

3. We find that the reason for vacating the order is non-compliance of the direction, issued by the learned Debts Recovery Tribunal in the interim order dated 05.01.2021, by which, the petitioner had to pay a sum of Rs.51,000/- (Rupees Fifty One Thousand only) directly to the Authorised Officer, Muthoot Housing Finance Limited, on or before 04.02.2021 and another sum of Rs.51,000/- (Rupees Fifty One Thousand only) also directly to the Authorised Officer, Muthoot Housing Finance Limited, on or before 06.03.2021. The petitioner due to some calculation mistake, instead of paying Rupees One Lakh Two Thousand, has paid Rs.100002.00/-

4. In our considered view, this appears to be an inadvertent mistake for which, the petitioner need not be penalized. Therefore, we exercise discretion and set aside the order passed by the learned Debts Recovery Tribunal and grant an order of interim stay of further proceedings pursuant to the order passed by the District Collector, Madurai, in R.O.C.No.C6/56756/2016 dated 20.01.2020 and consequential notice issued by the Tahsildar, East Taluk, Madurai District, in Na.Ka.No.Nil/2020/A3 dated 22.10.2020, till the disposal of the S.A.No.345 of 2020.

5. Accordingly, this **writ petition stands disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

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: *தலைவர்*

1. The Presiding Officer,
Debts Recovery Tribunal,
Madurai.
2. The District Collector,
District Magistrate,
Madurai.
3. The Tahsildar,
East Taluk, Madurai District.

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RD(22.07.2021) 3P 4C