



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD)No.21394 of 2021

and W.M.P. (MD) No.17961 of 2021

WEB COPY

J.Parvathi

... Petitioner

Vs.

- 1.State Bank of India,
Stressed Assets Management Branch,
(SAMB), No.1112, I Floor, Raja Plaza,
Avinashi Road, Coimbatore,
Rep. by its Authorized Officer &
Chief Manager Mr.S.Suresh
- 2.The Chief Judicial Magistrate,
Chief Judicial Magistrate Court Office,
Trichy,
Trichy District.
- 3.The Inspector of Police,
Manachanallur Police Station,
Trichy District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the Impugned Order dated 10.11.2021 in Cr.M.P.No.541/2020 passed by the 2nd Respondent and quash the same.

For Petitioner	: Mr.Rajesh Saravanan for M/s.R.Vijayaragavan
For Respondent No.1	: Mr.N.Dilipkumar Standing Counsel
For Respondent No.3	: Mr.M.Siddharthan Additional Government Pleader

O R D E R

(Order of the Court was made by PUSHPA SATHYANARAYANA, J.)

The Writ Petition is directed against the order, dated 10.11.2021, passed in Cr.M.P.No.541 of 2020, by the Chief Judicial Magistrate, Tiruchirapalli, under Section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, wherein, Advocate Commissioner was appointed to take delivery of the secured assets.

2.Heard Mr.Rajesh Saravan, learned counsel for the petitioner,
<https://hcmv.nic.in/onlinecases/> learned Standing Counsel, appearing for the first



respondent and Mr.M.Siddharthan, learned Additional Government Pleader, appearing for the third respondent.

3.By consent of both sides, this Writ Petition itself is taken up for final disposal.

4.After some deliberations in the previous hearing the Writ Petitioner was directed to come up with a schedule of payment. Accordingly, the petitioner has come up with a memo. Though the outstanding, according to the respondent Bank, is Rs.29.5 Crores, the memo filed by the petitioner offers only a sum of Rs.13 Crores and the payments spread over till 30.06.2022. The said proposal is not acceptable by the Bank.

5.The learned counsel for the petitioner would submit that the petitioner would somehow mobilize funds and settle the Bank and save her property.

6.Though the Writ Petition is not maintainable, in view of the fact that there is no Presiding Officer at the Debts Recovery Tribunal, Madurai, we have taken up the matter and the following order is passed:-

- i.The impugned order, dated 10.11.2021, passed in Cr.M.P.No.541 of 2020, by the Chief Judicial Magistrate, Tiruchirapalli, is kept in abeyance till 31.01.2022, on condition that the petitioner should pay a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only) on or before 31.12.2021 and a sum of Rs.3,00,00,000/- (Rupees Three Crores only) on or before 31.01.2022, failing which, the interim order granted shall stand vacated automatically without further reference to this Court.
- ii.The above said time is given to the petitioner only to approach the Bank and resolve the matter amicably. In the event, the petitioner is unable to settle the issue, the impugned order, dated 10.11.2021, can be put into execution.

7.The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

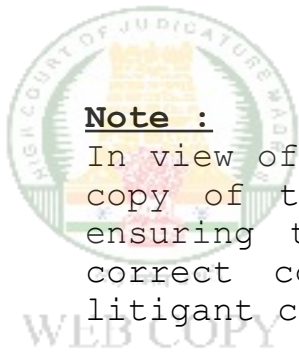
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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 Chief Judicial Magistrate,
Chief Judicial Magistrate Court Office,
Trichy,
Trichy District.

2.The Inspector of Police,
Manachanallur Police Station,
Trichy District.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-37984[F] dated
09/12/2021)

+1 CC to M/s.R.VIJAYARAGAVAN, Advocate (SR-38244[F] dated
10/12/2021)

W.P (MD) No. 21394 of 2021
08.12.2021

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