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W.P.No.24347 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.24347 of 2022

Mr.S.Murugan

.. Petitioner

v.

1. M/s Karur Vysya Bank Limited
rep.by its Authorised Officer
No.269, MKN Road, Alandur
Mambalam-Guindy Taluk
Chennai 600 016

2. M/s Encore Asset Reconstruction
Company Private Limited
(Encore ARC)
101, Executive Zone
Shakthi Tower
Ground Floor,
766, Anna Salai, Mount Road
Chennai 600 002

.. Respondents

Petition under Article 226 of the Constitution of India praying for
issuance of a Writ of Mandamus, directing the 2nd respondent to consider



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the petitioner's representation dated 01.08.2022 and 04.08.2022 requesting one time settlement within a time frame to be fixed by this Hon'ble Court.

For Petitioner :: Mr.S.Jaganathan

For Respondents :: Mrs.S.R.Sumathy for R2

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

Mr.S.Murugan, S/o Mr.Sivasubramanian has come to this Court for issuance of a writ of mandamus directing the second respondent to consider his representations dated 01.08.2022 and 04.08.2022 asking for one time settlement.

2. When the matter was taken up, learned counsel appearing for the second respondent, placing on record the typedset of papers including the orders passed by the learned Chief Judicial Magistrate, Chengalpattu in C.M.P.Nos.91 of 2022 etc., dated 29.07.2022 appointing Advocate Commissioner(s) to inspect the respective petition mentioned property and also to take inventories, if necessary, and thereafter to take physical possession and handover the same to the respondent-Bank, also brought to



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our notice the registered sale certificate dated 21.03.2022 bearing Document No.17638 of 2022 on the file of the Sub Registrar, Thirupporur issued in favour of M/s Saravana Housing Private Limited.

3. A perusal of the orders dated 29.07.2022 passed by the learned Chief Judicial Magistrate, Chengalpattu in C.M.P.Nos.91 of 2022 etc., and the registered sale certificate dated 21.03.2022 bearing Document No.17638 of 2022 would clearly show that some of the secured properties have been sold away in favour of M/s Saravana Housing Private Limited. Therefore, we do not find any merit in this writ petition. Accordingly, the writ petition is dismissed. Needless to mention that this order will not stand in the way of the petitioner to approach the respondent-Bank, for any relief, within a period of two weeks. However, there is no order as to costs.

Speaking/Non speaking order
Index : yes/no

(T.R.,A.C.J.) (D.K.K., J.)
27.09.2022

SS
To



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1. The Authorised Officer

Karur Vysya Bank Limited
No.269, MKN Road, Alandur
Mambalam-Guindy Taluk
Chennai 600 016



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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.KRISHNAKUMAR,J.

SS

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