



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. (MD) No. 9442 of 2022

and

W.M.P. (MD) No. 6773 of 2022

M/s.S.N.K.Rajalakshmi Modern Rice Mill (Borrower),
Represented by its Proprietor Mr.N.Kannan,
11-3-25B, Colony Junction Street,
Sundarapandiyapuram - 627 858,
Tenkasi Taluk and District.

.. Petitioner

Vs.

1. The Senior Manager,
Tamil Nadu Mercantile Bank,
Vengadampatti Branch,
No.4/23 B, Pavoorchatram Road,
Mylapappuram,
Vengadampatti - 627 415,
Tenkasi District.

2. The District Collector,
Collectorate Building,
Tenkasi,
Tenkasi District.

3. The Revenue Divisional Officer,
Tenkasi,
Tenkasi District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records of the impugned order made in Na.Ka.A2/4873/2021, dated 08.04.2022 and quash the same.

For Petitioner : Mr.T.Lajapathi Roy
for Mr.A.Balaji

For Respondents : Mr.T.Thevan for R1
Mr.M.Siddharthan

Addl. Govt. Pleader for R2 & R3



O R D E R

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

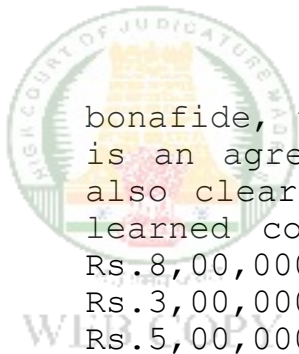
We are inclined to entertain this writ petition for the simple reason that the petitioner stands remediless because there is no Presiding Officer posted or working in the Debts Recovery Tribunal, Madurai, wherein, the petitioner has to file SARFAESI application.

2. Mr.N.Kannan, the Proprietor of M/s.S.N.K.Rajalakshmi Modern Rice Mill, has filed this petition challenging the impugned notice, dated 08.04.2022 issued by the third respondent / Revenue Divisional Officer.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been running a Rice Mill in the name and style of S.N.K.Rajalakshmi Modern Rice Mill with an extent of 10 cents in Survey No.151, Re-survey No.151/54, Harijan Colony, Mukkusamy Kovil Street, Ward-11 at Sundarapandipuram Village. He has availed the term loan of Rs.25,28,000/- (Rupees Twenty Five Lakhs Twenty Eight Thousand only) vide Loan Account No.086700460100369 from the first respondent Bank to purchase machinery for the Rice Mill. He has also availed cash credit facility of Rs.32,00,000/- (Rupees Thirty Two Lakhs only) vide Loan Account No.086700050300009 as working capital. The petitioner has been regularly paying the installments of Rs.20,00,000/- till 2019. In view of the Covid-19 pandemic followed by the lockdown clamped by the both Central Government and State Government, creating an abnormal situation disturbing the normal life style, the petitioner was not able to run the rice mill, as a result of which, he was not able to make the monthly installments to the respondent bank. The respondent bank has taken action under the SARFAESI Act. The petitioner was constrained to come before this Court by filing a writ petition in W.P(MD) No.2305 of 2022 seeking direction to the respondents to accept a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) as part payment towards loan availed by the petitioner.

4. This Court by order, dated 04.02.2022 directed the petitioner to make the installment of Rs.8,00,000/- (Rupees Eight Lakhs only) with a payment schedule on or before 07.02.2022. This Court has given time to the petitioner to clear the entire loan amount by six equated monthly installments. As per the order of this Court, the petitioner has paid a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) on 04.02.2022. After making the first installment on 04.02.2022, he was unable to make the further installments.

5. Now the respondents are proceeded to take physical possession of the property on 10.05.2022. Therefore, to show the



bonafide, the learned counsel for the petitioner submits that there is an agreement for selling away the wife's property and he would also clear the entire amount on or before 07.08.2022. However, the learned counsel for the petitioner submitted that in addition to Rs.8,00,000/- paid on 04.02.2022, he will pay a sum of Rs.3,00,000/- on or before 10.05.2022 and another sum of Rs.5,00,000/- on or before 31.05.2022 and the balance amount will be paid on or before 07.08.2022.

6. The said statement made by the learned counsel for the petitioner is placed on record. This Court makes it clear that the petitioner fails to make the entire payment on or before 07.08.2022, the third respondent is hereby directed to take physical possession as per the schedule and proceed further.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //

12/05/2022

Sub Assistant Registrar(CS)

vji / am

To

1. The Senior Manager,
Tamil Nadu Mercantile Bank,
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Vengadampatti - 627 415,
Tenkasi District.
2. The District Collector,
Collectorate Building,
Tenkasi,
Tenkasi District.
3. The Revenue Divisional Officer,
Tenkasi,

Tenkasi District.



+1 CC to M/s.SPL.GP (SR-23591[F] dated 09/05/2022)

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and

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Dated: 06.05.2022

RK(12/05/2022) 4P 6C