



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) No.9702 of 2022

and

W.M.P. (MD) Nos. 6961 and 6964 of 2022

G.Athiappan

.. Petitioner

Vs.

The Authorised Officer,
State Bank of India,
No.11, Velayutham Road,
Sivakasi 626 123,
Virudhunagar District.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the order dated 23.04.2022 passed in Crl.M.P.No.382 of 2022 on the file of the learned Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur issued under Section 14 (1) and (2) of SARFAESI Act by the respondent bank and quash the same.

For Petitioner : Mr.A.Mohamed Haneef
For Respondent : Mr.N.Dilip Kumar

O R D E R

[Order of the Court was made by **D.KRISHNAKUMAR, J.**]

Mr.N.Dilip Kumar, learned counsel takes notice for the respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The writ petitioner challenges the order passed by the learned Chief Judicial Magistrate under Section 14 (1) and (2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

3.Though the writ petition challenging the order passed under Section 14 (1) and (2) of SARFAESI Act is not maintainable, considering the fact that the post of Presiding Officer, Debts Recovery Tribunal, Madurai, is vacant and the petitioner undertakes to settle the entire amount within a stipulated period, this Court is entertaining this writ petition.

4.Learned Standing Counsel for the respondent, on instructions, submitted that though they strongly object for entertaining the writ petition, since the petitioner has undertaken



to deposit the entire amount, the respondent bank will consider the request of the petitioner. However, to show his *bona fide*, the petitioner has to pay 25% of the outstanding amount as first installment within a period of one week and to pay another 25% of the outstanding amount as second installment within a period of two weeks thereafter and the balance amount has to be paid within a period of 8 weeks thereafter.

5. In the light of the above submissions of the parties concerned and considering the interest of both the parties, we are inclined to pass the following order:-

(i) The petitioner is directed to pay 25% of the outstanding amount within a period of one week from the date of receipt of a copy of this order.

(ii) Thereafter, the petitioner is directed to pay another 25% of the outstanding amount as second installment within a period of two weeks therefrom.

(iii) Thereafter, as per the undertaking, the petitioner is directed to pay the balance amount within a period of eight weeks therefrom.

(iv) Till such time, the respondent bank is directed to defer the sale proceedings initiated as against the petitioner.

(v) If there is any default in payment of any one of the installments, it is open to the respondent bank to proceed further in accordance with law.

6. With the above directions, the Writ Petitions stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

mm/sj

To

The Authorised Officer,
State Bank of India,
No.11, Velayutham Road,
Sivakasi 626 123,
Virudhunagar District.

+1 CC to M/s.T. LENIN KUMAR, Advocate (SR-23645[F] dated 11/05/2022)



+1 CC to M/s.N. DILIPKUMAR, Advocate (SR-23684[F] dated
12/05/2022)

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11.05.2022

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