



W.P.(MD)No.12347 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.12347 of 2022
and W.M.P.(MD) No.8777 of 2022

M.Abdul Raheem

... Petitioner

Vs.

The Authorised Officer,
State Bank of India,
Stressed Assets Recovery Branch,
Madurai.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the order passed by the Learned Chief Judicial Magistrate, Sivagangai in Cr.M.P.No.5 of 2022, dated 10.06.2022 and quash the same as illegal and consequently, directing the respondent to extend the OTS Scheme in respect of the petitioner's due with respect to loan account No.1096801071.

For Petitioner

: Mr.T.Lenin Kumar

For Respondent

: Mr.A.R.M.Ramesh
Standing Counsel



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ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

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The petitioner has approached this Court challenging the order passed by Learned Chief Judicial Magistrate, Sivagangai in Cr.M.P.No.5 of 2022, dated 10.06.2022.

2. Heard Mr.T.Lenin Kumar, learned counsel for the petitioner and Mr.A.R.M.Ramesh, learned Standing Counsel for the respondent.

3. When the matter came up before this Court for hearing on 01.07.2022, learned Standing Counsel for the respondent Bank submitted that the petitioner used to challenge every proceedings and obtain interim orders at every stage of recovery proceedings and the petitioner, after obtaining interim orders on condition to deposit certain amounts, will not comply with the conditions.

4. While recording the submissions of learned Standing Counsel for the respondent, this Court finds that the petitioner at the time of getting interim orders even before this



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Court submitted that he would deposit Rs.1 Crore in two days.

Accordingly, this Court granted interim stay on condition to deposit Rs.1 Crore within two days. However, it was reported that the petitioner did not comply with the conditions and there was no payment made.

5. When the matter was brought before this Court on 01.07.2022, the petitioner produced before this Court copies of two cheques drawn for Rs.50 Lakhs each. This Court after making remarks that the petitioner cannot be believed, gave a further chance to make payment by today. This Court has also expressed that if the petitioner fails to make payment, the Writ Petition would be dismissed for want of bonafides.

6. Even today, it is represented that the payment has not been made. Learned counsel for the petitioner is unable to substantiate any of the grounds made to challenge the order of learned Chief Judicial Magistrate in the application filed under Section 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Hence, this Court is not inclined to entertain the writ petition as the same lacks bonafides.



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7. It is now open to the respondent Bank officials to get police protection for taking possession of the property as ordered by learned Chief Judicial Magistrate, Sivagangai. When the officials of the respondent approaches the Police, the Police shall cooperate. The respondent bank submits that the petitioner and his men gathered and threatened the Bank officials when they tried to take possession pursuant to the directions of learned Chief Judicial Magistrate. The petitioner shall not resist for taking possession pursuant to the order of learned Chief Judicial Magistrate as the respondent is entitled to secure possession of the property as directed by learned Chief Judicial Magistrate, which is in accordance with law.

8. The Writ Petition is dismissed for want of bonafides and merits. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
04.07.2022

Index : Yes / No

sj



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and

S.SRIMATHY, J.

sj

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