



W.P.(MD)No.15648 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.07.2022

CORAM:

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

W.P.(MD)No.15648 of 2022
and
W.M.P.(MD)No.11259 of 2022

F.Malarkodi

... Petitioner

Vs.

Authorized Officer,
Union Bank of India,
6/1, 2nd Cross Street,
Sundar Nagar, K.K.Nagar,
Trichy – 6200 026.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned possession notice dated 02.06.2022 issued by the respondent under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and quash the same and further direct him to render proper accounts to the petitioner regarding the petitioner's actual borrowing and interest due thereon and the EMI details for proper compliance.



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For Petitioner : Ms.T.Banumathy
For Respondent : Mr.N.Dilip Kumar

ORDER

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

Challenging the possession notice, dated 02.06.2022, issued by the respondent bank, the above writ petition is filed.

2. Heard Ms.T.Banumathy, learned counsel for the petitioner and Mr.N.Dilip Kumar, learned standing counsel for the respondent bank.

3. It is a peculiar case that where the petitioner has come forward with a case disputing the actual amount disbursed to her. The petitioner also refers to the criminal complaint filed against the bank officials and building contractor in relation to certain irregularities in respect of several loan accounts.

4. *Prima facie* there are materials to show that substantial amounts were disbursed to the building contractor and his



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associate, without the knowledge of the borrowers. Even in the case of the petitioner, the complaint is that a sum of Rs.9,00,000/- was disbursed to a third party without the knowledge of the petitioner.

5. The further grievance of the petitioner is that she is unable to complete to construction as more than 30% of the amount sanctioned was not disbursed to her for the house project she has undertaken.

6. Having regard to the facts and circumstances of the case, this Court is inclined to dispose of this writ petition in the following lines:

(i) The petitioner is directed to pay a sum of Rs.1,00,000/- within a period of four weeks from the date of receipt of a copy of this order. Upon receipt of the said sum of Rs.1,00,000/- from the petitioner, the respondent bank shall restructure the loan taking into consideration the outstanding as admitted by the petitioner.

(ii) It is open to the respondent bank to restructure the loan amount by treating the



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outstanding as Rs.17,00,000/- as admitted by the petitioner herself. It is open to the respondent bank to initiate recovery proceedings by approaching civil Court for the balance amount.

(iii) Considering the grievance of the petitioner that no bank may come forward to advance loan or financial assistance to help the petitioner because of the pendency of the criminal complaint, The respondent bank may consider the representation of the petitioner for further loan as the house project is in the middle stage.

(iv) The civil Court may also consider the pendency of the criminal complaint at the instance of the bank. In case the petitioner fails to pay a sum of Rs.1,00,000/-, it is open to the respondent bank to proceed further ignoring this order.

No Costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [S.S.Y., J.]
20.07.2022

Index : Yes / No

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and
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