



W.P.(MD)No.16223 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2022

CORAM:

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

W.P.(MD)No.16223 of 2022
and W.M.P.(MD) No.11731 of 2022

Syed Abuthahir

... Petitioner

Vs.

1.The Authorised Officer,
Indian Bank,
No.100, 101, East Avani Moola Street,
Madurai – 625 001.

2.The Authorised Officer,
Indian Bank, Karupaiurani Branch,
No.2/189, Sivagangai Road,
Madurai – 625 020.

3.The Branch Manager,
Indian Bank, Karupaiurani Branch,
No.2/189, Sivagangai Road,
Madurai – 625 020.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to impugned possession notice dated 19.07.2022, issued by the first respondent and to quash the same.

For Petitioner

: Mr.G.Aravindhan



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For Respondents

: Mr.R.Pandivel
Standing Counsel

ORDER

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

This Writ Petition has been filed challenging the possession notice dated 19.07.2022, issued by the first respondent.

2. Heard Mr.G.Aravinthan, learned counsel for the petitioner and Mr.R.Pandivel, learned Standing Counsel for the respondents.

3. The petitioner and his father are the guarantors to the loan obtained by his brother. The petitioner earlier approached the bank for One Time Settlement and his request was not considered. Learned counsel for the petitioner submitted that he is prepared to deposit 25% of the amount due in two monthly instalments, in case the respondent bank considers the petitioner's request for waiver of penal interest or for One Time Settlement.

4. Having regard to the peculiar facts and circumstances and the submissions of learned counsel for the



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petitioner, this Writ Petition is disposed with a direction to the petitioner to pay a sum of Rs.3,00,000/- (Rupees Three Lakhs only) within a period of two months from the date of receipt of a copy of this order, out of which, he shall pay Rs.1,00,000/- (Rupees One Lakh only) within a period of twenty (20) days from the date of receipt of a copy of this order. Upon payment of Rs.3,00,000/- within a period of two months from the date of receipt of a copy of this order, the respondent Bank shall consider the proposal that may be submitted by the petitioner within a period of two weeks therefrom for waiver of penal interest or One Time Settlement or for re-scheduling of the loan. Till such time the respondents consider the representation of the petitioner and communicate the decision taken to the petitioner, the respondents shall not take any coercive action against the petitioner. In case, the petitioner fails to make payments as indicated above, the respondent Bank shall proceed against the secured assets or take any other coercive action that may be permissible in law, ignoring this order. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.S.R., J.] [S.S.Y., J.]
25.07.2022

Index : Yes / No
sj



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S.S.SUNDAR, J.

and

S.SRIMATHY, J.

sj

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