



W.P.(MD)No.17240 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2022

CORAM

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

W.P(MD)No.17240 of 2022
and
W.M.P.(MD)Nos.12589 and 12590 of 2022

B.Mathavan

... Petitioner

Vs.

The Authorized Officer,
City Union Bank Limited,
Thanjavur District.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned possession notice, issued by the respondent Bank, dated 27.07.2022 and to quash the same as illegal.

For Petitioner :Mr.M.Sankar

For Respondent :Mr.N.Dilip Kumar



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ORDER

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

Challenging the impugned possession notice, dated 27.07.2022 issued by the respondent bank under Section 13(8) of SARFAESI Act, informing the petitioner that symbolic possession is taken by the bank, the present Writ Petition is filed by the borrower.

2.Heard Mr.M.Sankar, learned Counsel for the petitioner and Mr.N.Dilip Kumar, learned Standing Counsel, who takes notice on behalf of the respondent. By consent of both parties, the above Writ Petition is taken up for final disposal at admission stage itself.

3.It is the case of the respondent bank that a sum of Rs.16,13,559/-, is the total outstanding amount as on 27.07.2022, and the property, which is the subject matter of mortgage, was secured for two different loans. The secured asset is a residential house. The petitioner has stated few reasons for not making regular payment particularly by referring to the financial difficulties, which the petitioner was put to during COVID-19.



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4.The learned Counsel for the petitioner states that the petitioner is prepared to pay a sum equivalent to 25% of the amount due as on 27.07.2022 within three months.

5.In the said circumstances, instead of keeping the Writ Petition pending, this Court is inclined to dispose of the Writ Petition with the following directions:

(1)The respondent bank shall not initiate any coercive action provided the petitioner pays a sum of Rs.1,50,000/- on or before 02.09.2022, a further sum of Rs.1,50,000/- on or before 03.10.2022 and a further sum of Rs.1,10,000/- on or before 02.11.2022.

(2)In case the petitioner fails to pay any one of the instalments, in the manner directed above, it is open to the respondent bank to proceed further in accordance with law ignoring this order.

(3)In case the petitioner deposits the amount as directed above, the petitioner is permitted to submit a representation to the respondent bank either for waiver of penal interest or One Time Settlement or for restructuring the loan and other concession, as may be permissible under the guidelines of Reserve Bank of India or the norms applicable to the respondent bank and the respondent bank shall pass appropriate orders in accordance with law.

(4)Till an order is passed on the representation of the petitioner



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and the same is communicated to the petitioner, the respondent bank shall not initiate any coercive action against the petitioner.

6.The Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [S.S.Y., J.]
03.08.2022

Index : Yes / No

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