



W.P.(MD)No.19938 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2022

CORAM

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

W.P.(MD)No.19938 of 2022  
and  
W.M.P.(MD)No.14516 of 2022

John Lathis

... Petitioner

Vs.

1.The Chief Judicial Magistrate,  
Kanyakumari District,  
At Nagercoil.

2.M/s.Vijaya Bank, Nagercoil Branch,  
Merged with Bank of Baroda,  
Nagercoil Branch,  
Represented by its Authorized Officer,  
Mr.S.Rajeev, Chief Manager,  
34-C, Balamore Road,  
Nagercoil – 629 001,  
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari, to call for records of the culminating into the order in Cr.M.P.No.5185 of 2022 dated 11.07.2022 u/s 14 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act) passed by the 1<sup>st</sup> Respondent and set aside the same as illegal.

For Petitioner

: Mr.N.S.Ramakrishna Dass



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For 2<sup>nd</sup> Respondent : Mr.R.Pandivel  
Standing Counsel  
\* \* \*

## **ORDER**

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

Challenging the order of learned Chief Judicial Magistrate, Kanniyakumar District at Nagercoil, dated 11.07.2022, in the application filed by the second respondent under Section 14 of SARFAESI Act, in Cr.M.P.No.5185 of 2022, the above Writ Petition is filed.

2. Heard Mr.N.S.Ramakrishna Dass, learned counsel for the petitioner and Mr.R.Pandivel, learned Standing Counsel for the 2<sup>nd</sup> respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. The total outstanding as on 30.04.2018 is Rs.40,54,461.50-. Learned counsel appearing for the petitioner submits that the petitioner is prepared to pay a sum of Rs.10,40,000/- in four instalments.



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4. Considering the various facts and circumstances and the submissions of learned counsel on either side, this Court is of the view that the petitioner can be shown some indulgence. Hence, this Court is inclined to dispose of the Writ Petition in the following lines:-

(i) The respondent bank is directed not to take any coercive action pursuant to the impugned order, provided the petitioner pays a sum of Rs.2,60,000/- (Rupees Two Lakhs and Sixty Thousand only) on or before 30.09.2022, a sum of Rs.2,60,000/- (Rupees Two Lakhs and Sixty Thousand only) on or before 31.10.2022, a sum of Rs.2,60,000/- (Rupees Two Lakhs and Sixty Thousand only) on or before 30.11.2022 and a further sum of Rs.2,60,000/- (Rupees Two Lakhs and Sixty Thousand only) on or before 30.12.2022.

(ii) In case the petitioner commits any default in paying any one of the instalments, it is open to the respondent Bank to proceed further in accordance with law ignoring this order.

(iii) If the petitioner makes payments as indicated above, he may approach the bank and submit a representation within a period of two weeks from the payment of last instalment either for waiver of penal interest or for One Time Settlement or for



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restructuring the loan or for any other concession, as may be permissible as per the guidelines of Reserve Bank of India or the norms applicable to the respondent bank.

(iv) The respondent bank shall consider the same and pass appropriate orders in accordance with law.

(v) Till such time, the respondent bank consider the representation of the petitioner and communicate the decision taken to the petitioner, the respondent bank shall not initiate any coercive action against the petitioner.

5. 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.]**  
**26.08.2022**

Index : Yes / No  
sj



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**S.S.SUNDAR, J.**

and

**S.SRIMATHY, J.**

sj

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