



W.P.(MD)No.20917 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2022

CORAM

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

W.P.(MD)No.20917 of 2022
and
W.M.P.(MD)Nos.15161 of 2022

Dr.R.Premleela

... Petitioner

Vs.

The Chief Manager / Authorised Officer,
Bank of Baroda,
ROSARB,
1st Floor, Plot No.14,
Door Nos.3, 4, 5,
Sakthi Velammal 10th Street,
S.S.Colony,
Madurai – 625 016.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari, to call for records relating to the possession notice dated 25.08.2022, issued by the respondent bank and all other consequential proceedings are illegal and quash the same.

For Petitioner	: Mr.C.Arunmozhi Rajashankar
For Respondent	: Mr.R.Pandivel Standing Counsel

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ORDER

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

Challenging the possession notice dated 25.08.2022, issued by the respondent, the above Writ Petition is filed.

2. Heard Mr.C.Arunmozhi Rajashankar, learned counsel for the petitioner and Mr.R.Pandivel, learned Standing Counsel for the respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. It is admitted that as on 06.06.2022, the total outstanding is Rs.55,65,518.84/-. Learned counsel appearing for the petitioner submits that the petitioner is prepared to pay 25% of the total outstanding in four monthly instalments to reduce the liability. He also seeks appropriate directions to enable the petitioner to seek negotiations for One Time Settlement.

4. Learned Standing Counsel for the respondent bank submitted that the liability is huge and the petitioner has not approached the bank earlier for One Time Settlement.



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5. 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 shall defer further action either for sale or physical possession of the property, provided the petitioner pays a sum of Rs.3,50,000/- (Rupees Three Lakhs and Fifty Thousands only) on or before 30.09.2022, a sum of Rs. 3,50,000/- (Rupees Three Lakhs and Fifty Thousands only) on or before 31.10.2022, a sum of Rs.3,50,000/- (Rupees Three Lakhs and Fifty Thousands only) on or before 30.11.2022 and a further sum of Rs.3,50,000/- (Rupees Three Lakhs and Fifty Thousands only) on or before 31.12.2022.

(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, she 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 under 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.

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

[S.S.S.R., J.] [S.S.Y., J.]
02.09.2022

Index : Yes / No

sj



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S.S.SUNDAR, J.

and

S.SRIMATHY, J.

sj

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