



W.P(MD)No.21007 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.21007 of 2022

and

W.M.P(MD).Nos.15249 and 15251 of 2022

Bennet

... Petitioner

Vs.

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

2.The Authorised Officer,
Aptus Value Housing Finance India Limited,
No.8B, Doshi Towers,
Poonamallee High Road,
Kilpauk,
Chennai-600 010.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari Mandamus, calling for the entire records pertaining to the impugned order passed by the first respondent in Crl.M.P.No.4258 of 2022 dated 21.07.2022 and 26.08.2022 along with the possession Notice dated 12.11.2020 issued by the second respondent and quash the same as illegal and consequently



W.P(MD)No.21007 of 2022

direct the second respondent to consider the petitioner's representation dated 30.11.2020, 23.12.2020 to Re-constitute the loan account No.AMATHN0032460.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondent No.2 : Mr.Sunil Rakesh
Standing counsel for Bank

ORDER

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

This Writ Petition is filed challenging the impugned order passed by the first respondent in CrI.M.P.No.4258 of 2022 dated 21.07.2022 and 26.08.2022 and the possession notice dated 12.11.2020.

2. Heard Mr.P.M.Vishnuvarthanan, learned counsel appearing for the petitioner and Mr.Sunil Rakesh, learned Standing Counsel for the second respondent Bank.

3. As against the total outstanding amount of Rs.19,00,000/- (Rupees Nineteen Lakhs only) as on date, the learned Counsel for the petitioner states that the petitioner is prepared to pay 25% of the amount



W.P(MD)No.21007 of 2022

due within a period of four months in equal monthly installments.

WEB COPY

4. Considering the facts and circumstances of the case and by consent of both the parties, this Court is inclined to dispose of the Writ Petition with the following directions:

(i) The second respondent bank shall defer taking possession as per the impugned possession notice, dated 12.11.2020, on condition that the petitioner pays a sum of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand only) on or before **30.09.2022**; a further sum of Rs. 1,25,000/- (Rupees One Lakh Twenty Five Thousand only) on or before **31.10.2022**; a further sum of Rs.1,25,000/- (Rupees One Lakh Twenty Five Thousand only) on or before **30.11.2022** and a further sum of Rs. 1,00,000/- (Rupees One Lakh only) on or before **31.12.2022**;

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

(iii) In case, the petitioner deposits the amount as directed above, the petitioner is permitted to submit a representation to the respondent



W.P(MD)No.21007 of 2022

Bank either for waiver of penal interest or for One Time Settlement or for restructuring the loan and other concessions, as may be permissible under the guidelines of the Reserve Bank of India or the norms applicable to the respondent Bank and the respondent Bank shall pass appropriate orders in accordance with law; and

(iv) Till such order is passed on the representation of the petitioner and the same is communicated to the petitioner, the respondent Bank shall not initiate any coercive action against the petitioner or the properties of the petitioner.

5. 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
Internet :Yes
ssb



W.P(MD)No.21007 of 2022

To

WEB COPY

- 1.The Chief Judicial Magistrate,
Nagercoil,
Kanyakumari District.
- 2.The Authorised Officer,
Aptus Value Housing Finance India Limited,
No.8B, Doshi Towers,
Poonamallee High Road,
Kilpauk,
Chennai-600 010.



W.P(MD)No.21007 of 2022

S.S.SUNDAR, J.
AND
S.SRIMATHY, J.

ssb

ORDER MADE IN

W.P(MD)No.21007 of 2022
and
W.M.P(MD).Nos.15249 and 15251 of 2022

02.09.2022