



W.P.(MD) No.21634 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.(MD) No.21634 of 2022
and
W.M.P.(MD) Nos.15766 & 15767 of 2022**

G.Pathirakali

... Petitioner

-vs-

Union Bank of India
Virudhunagar Branch
rep.by its Authorised Officer

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records pertaining to the order dated 27.08.2022, made in CrI.M.P.No.3871 of 2022, passed by the Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur and quash the same as illegal.

For Petitioner : Mr.Shenbagaraj.R.

For Respondent : Mr.R.Pandivel
Standing Counsel



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ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

The prayer in this writ petition is to quash the order 27.08.2022, made in CrI.M.P.No.3871 of 2022, passed by the learned Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur.

2. Heard Mr.R.Shenbagaraj, learned counsel for the petitioner and Mr.R.Pandivel, learned Standing Counsel, who accepts notice on behalf of the respondent.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. The learned counsel appearing for the petitioner submitted that the petitioner availed housing loan to the tune of Rs.7,00,000/- from the respondent – Bank and due to financial crisis, she was unable to pay the monthly installments and her loan account was declared as a Non Performing Asset (NPA).



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5. The learned Standing Counsel appearing for the respondent – Bank submitted that the total outstanding amount is Rs.6,64,901.66 and since the petitioner's loan account was declared as NPA, the respondent – Bank has initiated proceedings for recovery of the loan amount and on the application filed by the Bank, learned Chief Judicial Magistrate has passed the impugned order. Further, sale has not been taken place and the petitioner has not complied with the orders passed by the Debts Recovery Tribunal.

6. In reply, the learned counsel for the petitioner submitted that the petitioner is prepared to pay the entire outstanding amount of Rs. 6,64,901.66, if some consideration of installments is granted.

7. Considering the facts and circumstances, 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) Upon the petitioner paying a sum of Rs.2,00,000/- (Rupees two lakhs only) on or before 28.09.2022; a sum of Rs.2,32,450.83/- (Rupees two lakhs thirty two thousand four hundred and fifty and paise eighty three only) on or before 05.11.2022 and a



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further sum of Rs.2,32,450.83/- (Rupees two lakhs thirty two thousand four hundred and fifty and paise eighty three only) on or before 05.12.2022, the respondent – Bank is directed not to proceed further pursuant to the impugned order.

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

8. The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., J.] [J.S.N.P., J.]

13.09.2022

Index : Yes / No

Internet : Yes / No

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To:
The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.



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