



W.P.(MD) No.27309 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.27309 of 2022

and

W.M.P.(MD)Nos.21424 and 21426 of 2022

Mohamed Eakieem

... Petitioner

-Vs-

The Authorized Officer,

Punjab National Bank,

Nagercoil Branch,

Natesan Palace, 82 & 83, Balamore Road,

Nagercoil-629001, Kanyakumari District

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the impugned order passed by the learned Chief Judicial Magistrate, Nagercoil in CrI.M.P.No.11013 of 2022, dated 16.11.2022, quash the same.

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For Petitioner : Mr.A.S.Abul Kalam Azad,
For M/s.Spicy Law Firm
For Respondent : Mr.C.Anand C.Rajesh
Standing Counsel

ORDER

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

Challenging the order dated 16.11.2022 passed by the learned Chief Judicial Magistrate, Nagercoil made in CrI.M.P.No.11013 of 2022, this Writ Petition is filed.

2.Mr.Anand C.Rajesh, learned Standing Counsel takes notice for the respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3.The learned counsel for the petitioner submitted that earlier, the petitioner has filed W.P.(MD)No.14185 of 2022, challenging the possession notice dated 25.05.2022 issued by the respondent. At the time of hearing, recording the submission of the learned Standing Counsel for the respondent

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Bank that subsequent to the filing of the Writ Petition, the respondent Bank withdrew the possession notice dated 25.05.2022 and that the sale had not taken place, this Court, by an order dated 13.10.2022, closed the said Writ Petition, leaving it open to the respondent Bank to consider the OTS proposal submitted by the petitioner on merits and in accordance with law. In the meantime, the respondent Bank filed a petition before the learned Chief Judicial Magistrate, Nagercoil, for taking physical possession of the secured property wherein, the learned Chief Judicial Magistrate, Nagercoil, has passed the impugned order.

4.Now, the learned counsel for the petitioner submitted that it is suffice, if the OTS proposal of the petitioner is directed to be considered by the respondent Bank on merits within a time frame, for which, the learned Standing Counsel for the respondent is agreeable.

5.Though this Court cannot issue any positive direction to the respondent Bank to consider the OTS proposal of the petitioner, in view of the submission made by the learned Standing Counsel for the respondent, we direct



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the petitioner to submit a fresh proposal for OTS to the respondent Bank, within a period of two weeks from today and on such filing, the respondent Bank shall consider the same on merits and in accordance with law in the light of RBI norms as expeditiously as possible, preferably, within a period of three weeks thereafter.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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

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Index : Yes / No

Internet : Yes / No

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