



W.P.(MD) No.28908 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.28908 of 2022

and

W.M.P.(MD)Nos.22893 to 22894 of 2022

Rajkumar

... Petitioner

-Vs-

1.The Reserve Bank of India,
No.6, Rajaji Road,
Fort St.George, Chennai.

2.The District Magistrate and District Collector,
Karur.

3.The Authorized Officer,
The Karur Vysya Bank Limited,
Jeeyapuram Branch,
No.4/30-2, West Street,
Jeeyapuram, Trichy District.

4.The Tahsildar,
Kulithalai Taluk, Karur District.

... Respondents

Page 1 of 6



W.P.(MD) No.28908 of 2022

WEB C

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 impugned proceedings issued by the 2nd respondent in Rc.No.D4/18139/2017 dated 16.09.2022 for taking Physical Possession over the Mortgage property scheduled to be held on 21.12.2022 and quash the same on the ground that the same is arbitrary, illegal.

For Petitioner : Mr.A.Joel Paul Antony

For R2 & R4 : Mr.Thilakkumar

Government Pleader

For R3 : Mr.R.Pandivel

Standing Counsel

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The proceedings of the 2nd respondent dated 16.09.2022 in Rc.No.D4/18139/2017 for taking physical possession over the mortgage property scheduled to be held on 21.12.2022, is under challenge in this Writ Petition.

2.Mr.Thilakkumar, learned Government Pleader takes notice for the respondents 2 and 4 and Mr.R.Pandivel, learned Standing Counsel for the 3rd respondent.

Page 2 of 6



W.P.(MD) No.28908 of 2022

WEB COPY

3.By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4.Today, when the matter was taken up for hearing, the learned counsel for the petitioner submitted that the petitioner to show his *bona fide* is ready to pay a sum of Rs.20,00,000/- (Rupees Twenty Lakhs Only) on or before 23.01.2023 and the remaining outstanding amount will be paid in four consecutive equal monthly installments, for which, the learned Standing Counsel for the respondent Bank is also agreeable and submitted that liberty may be granted to the respondent Bank to proceed in accordance with law, in case of default in payment of any one of the installments.

5.In view of the above, we are inclined to dispose of this Writ Petition on the following directions:-

“(i)The petitioner is directed to pay a sum of Rs.20,00,000/- on or before 23.01.2023 to the respondent Bank;

Page 3 of 6



W.P.(MD) No.28908 of 2022

WEB COPY

(ii) The balance outstanding amount shall be paid by the petitioner in four consecutive equal monthly installments and the 1st installment shall be paid on or before 23.02.2023 and subsequent three installments shall be paid on or before 23rd day of every English Calendar month;

(iii) Till such time, the respondent Bank shall not take any coercive action against the petitioner;

(iv) We make it clear that if the petitioner fails to make any one of the aforesaid installments, the respondent Bank is at liberty to proceed in accordance with law.”

No costs. Consequently, connected miscellaneous petitions are also closed.

[D.K.K., J.] & [R.V., J.]
23.12.2022

Index : Yes / No

Internet : Yes / No

Myr

Page 4 of 6



W.P.(MD) No.28908 of 2022

WEB COPY

To

1.The District Magistrate and District Collector,
Karur.

2.The Tahsildar,
Kulithalai Taluk,
Karur District.



WEB COPY



W.P.(MD) No.28908 of 2022

D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

Myr

W.P.(MD)No.28908 of 2022

23.12.2022