



WP No.23785 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

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T.Mani

.. Petitioner

-VS-

1. M/s.Equitas Small Finance Bank Limited
No.769, Spencer Plaza, 4th Floor,
Phase-2, Anna Salai, Chennai 600 002,
Rep. by its Authorised Officer, Mr.Dillibabu.P.
2. M/s.Sri Muthumariamman Engineering Works,
Rep. by its Proprietor, No.155, Sharmanager
Quarters, Seventh Street, Chennai 600 039. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to receive Rs.5,00,000/- as full quit in discharge of the loan account No.700002013790/SEMYLPRO174027 and consequently forbear the 1st respondent from taking any coercive action against the secured property viz., bearing Plot No.150 comprised in S.No.775, Block No.41, with an extent of 409 sq.ft. situated at Door No.195, 3rd Street, Sivagami Ammaiyar Colony Planning Scheme, Viyasarpadi, Chennai 600 039, Perambur Village, Perambur, Purasaiwakkam Taluk, Chennai District, either by taking physical possession or in any other manner.



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For the Petitioner : Mr.B.Hari Krishnan

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ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.B.Hari Krishnan, learned counsel for the petitioner.

2. Directions are sought against the first respondent to receive Rs.5,00,000/- (Rupees five lakhs only) as full quit in discharge of loan account.

3. The petitioner had already filed a writ petition bearing No.16203 of 2023. The same is dismissed under the orders of this Court dated 25.05.2023. The petitioner had filed the said writ petition against the order of the Debts Recovery Tribunal passed in the Securitisation Application filed by the present petitioner bearing No.242 of 2022. In the said application, the petitioner has filed an application for stay which was granted on condition that the petitioner



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deposits Rs.6,00,000/- (Rupees six lakhs only) in three instalments of Rs.2,00,000/- each. This Court, passed an order that the petitioner shall deposit Rs.2,00,000/- (Rupees two lakhs only) on or before 01.06.2023 and the balance amount of Rs.14 lakhs within a period of eight weeks thereafter. The said order of this Court has become final.

4. This Court cannot pass an order contrary to the said order. The petitioner may prosecute his Securitisation Application before the Debts Recovery Tribunal and raise all grounds available to him before the Debts Recovery Tribunal. In that event, all contentions are kept open.

The writ petition is disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No

Neutral Citation : Yes/No

sra



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THE HON'BLE CHIEF JUSTICE
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(sra)

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