



W.P(MD)No.62 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.62 of 2023
and
WMP(MD)Nos.76 and 78 of 2023

Mrs.Pandiyammal

... Petitioner

VS.

The Authorized Officer,
M/s.Manappuram Home Finance Limited,
No.141A, 142, 1st Floor,
SVSK Tower,
Alagar Koil Road,
Thallakulam,
Maduraio 625 002.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records of the impugned order dated 08.11.2022 in CrI.MP.No.15495 of 2022 passed by the Chief Judicial Magistrate Court, Dindigul, and quash the same as devoid of merits.



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For Petitioner : Mr.J.Imran Khan
For Respondent : Mrs.K.Vidya, standing counsel

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

On 04.01.2023, we passed the following order:-

"Challenging the order passed by learned Chief Judicial Magistrate, Dindigul in Crl.M.P.No.15495 of 2022, the petitioner has filed this Writ Petition.

2. Mrs.K.Vidya, learned Standing Counsel takes notice for the respondent.

3. The learned counsel for the petitioner submitted that the Advocate Commissioner has issued a notice intimating that he will take the possession on 05.01.2023 and hence, the petitioner has filed this Writ Petition. He further submitted that the petitioner agrees to pay a sum of Rs.2,50,000/- on or before 13.01.2023 and hence, he prays for interim order.

4. The learned Standing Counsel appearing for the respondent submitted that if the petitioner shows his bono fides, this Court may consider the request of the petitioner.

5. Considering the submissions made by both sides, we are of the view that a prima facie case has been made out for



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grant of interim order.

6. Hence, there shall be an order of interim stay on condition that the petitioner shall pay a sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only), on or before 13.01.2023, failing which, the interim stay granted today, shall stand automatically vacated without any further reference to this Court and it is open to the respondent to proceed further in accordance with law.

7. Post the matter on 19.01.2023."

2. Today, when the writ petition was taken up for hearing, learned counsel for the petitioner submitted that the aforesaid conditional interim order was complied with by the petitioner. He further submitted that now the petitioner undertakes to pay another sum of Rs.2,50,000/- within a period of four weeks and so far as the remaining outstanding amount, the petitioner may be permitted to submit OTS proposal to the respondent with a direction to the respondent to consider the same in the light of the RBI norms within a time frame.



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3. Learned standing counsel for the respondent has agreed to the aforesaid submission of the learned counsel for the petitioner. However, he submitted that liberty may be granted to the respondent to proceed in accordance with law in case of default in payment of the aforesaid amount.

4. Recording the aforesaid submissions, we direct the petitioner to pay a sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) within a period of four weeks from the date of receipt of a copy of this order. In the meantime, the petitioner is directed to submit OTS proposal to the respondent and on receipt of the same, the respondent is directed to consider the same on merits and in the light of the RBI norms within a period of four weeks from the date of receipt of the OTS proposal. Till such time, no coercive steps shall be taken by the respondent against the petitioner. If the petitioner commits default in payment of the above amount, the respondent is at liberty to proceed further in accordance with law.



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WEB COPY 5. With the above direction, the Writ Petition is disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

NCC : Yes / No
Index : Yes / No
Internet : Yes

[D.K.K.,J.] & [R.V.,J.]
19.01.2023



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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

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ORDER MADE IN
W.P(MD)No.62 of 2023
DATED : 19.01.2023