



W.P.(MD)Nos.1926 of 2023 & 11861 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)Nos.1926 of 2023 & 11861 of 2022
and W.M.P.(MD)No.8425 of 2022

A.Raj Kumar

... Petitioner in
W.P.(MD)No.1926 of 2023

1.A.Raj Kumar
2.A.Vengattammal
3.R.Divya
4.Sree Alagar Indane Agencies,
Rep. By its Proprietor A.Rajkumar,
No.5, Veera Raghava Perumal Street,
Thirunagar 5th Stop,
Madurai – 625 006.

... Petitioners in
W.P.(MD)No.11861 of 2022

Vs.

1.The District Collector,
Madurai.

Page 1 of 8



W.P.(MD)Nos.1926 of 2023 & 11861 of 2022

WEB COPY

2.The Authorized Officer,
Cholamandalam Investment &
Finance Co. Ltd.,
No.2/3 GV Tower, 3rd Floor,
Kochadai,
Melakal Main Road,
Madurai – 625 016.

... Respondents in
W.P.(MD)No.1926 of 2023

1.The Chief Judicial Magistrate,
Madurai.

2.Cholamandalam Investment &
Finance Co. Ltd.,
Rep. by Authorized Officer,
Thiyagu Neelamegam,
S/o.Neelamegam,
Dare House No.2, N.S.C.Bose Road,
Parrys, Chennai – 600 001.

... Respondents in
W.P.(MD)No.11861 of 2022

Prayer in W.P.(MD)No.1926 of 2023: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 22.12.2022 within the time stipulated by this Court.



W.P.(MD)Nos.1926 of 2023 & 11861 of 2022

Prayer in W.P.(MD)No.11861 of 2022: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order made by the first respondent in Cr.M.P.No.218 of 2022, dated 05.04.2022 and quash the same as illegal and consequently direct the respondents not to take possession or auction the petitioner's property.

W.P.(MD)No.1926 of 2023

For Petitioner : Mr.A.Raj Kumar [Party-in-Person]
For Respondents : Mr.V.Nirmal Kumar,
Government Advocate for R1
Mr.P.Pethurajesh,
Standing Counsel for R2

W.P.(MD)No.11861 of 2022

For Petitioners : Mr.B.Narayan Ram
For Respondents : Mr.P.Pethurajesh,
Standing Counsel for R2
R1 - Court



WEB COPY



W.P.(MD)Nos.1926 of 2023 & 11861 of 2022

COMMON ORDER

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

The petitioner has filed this Writ Petition in W.P.(MD)No.1926 of 2023, seeking for issuance of a Writ of Mandamus, directing the 1st respondent to consider his representation dated 22.12.2022, within a time frame.

2. Challenging the order passed by learned Chief Judicial Magistrate, Madurai, in Cr.M.P.No.218 of 2022, dated 05.04.2022, the petitioners have filed another Writ Petition in W.P.(MD)No.11861 of 2022.

3. At the time of admission, this Court has passed the conditional interim order in W.P.(MD)No.11861 of 2022, dated 14.06.2022 and the said order has been complied with by the petitioner. The learned counsel for the petitioner submits that the petitioner is ready to pay a sum of Rs.44,98,348/- in two installments, to regularize his account and he has filed an undertaking affidavit to that effect.



W.P.(MD)Nos.1926 of 2023 & 11861 of 2022

WEB COPY

4. The learned counsel appearing for the 2nd respondent – Bank submitted that the petitioner has to pay a sum of Rs.70 lakhs as principal amount to regularize his account.

5. After the submissions made by the 2nd respondent – Bank, the petitioner, who appeared in party-in-person, has agreed to pay a sum of Rs.45 lakhs in two consecutive equal monthly installments and thereafter, to pay the remaining amount of Rs.25 lakhs in two consecutive equal monthly installments, for which the learned counsel for the 2nd respondent – Bank has agreed.

6. Recording the aforesaid submissions made by both sides, we direct the petitioner to pay a sum of Rs.45 lakhs in two consecutive equal monthly installments and thereafter, pay the remaining amount of Rs.25 lakhs in two consecutive equal monthly installments. The first installment shall be paid on or before 02.03.2023 and the subsequent three installments shall be paid on or before the 2nd day of every English Calender Month. Till such time, the 2nd respondent - Bank shall not take any coercive action against the petitioner. If the



W.P.(MD)Nos.1926 of 2023 & 11861 of 2022

petitioner fails to make payment in any one of the above installments, the 2nd respondent - Bank is at liberty to proceed further in accordance with law.

7. With the above direction, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

01.02.2023

NCC : Yes / No
Index : Yes / No

vsm



W.P.(MD)Nos.1926 of 2023 & 11861 of 2022

WEB COPY

To

- 1.The District Collector,
Madurai.
- 2.The Authorized Officer,
Cholamandalam Investment &
Finance Co. Ltd.,
No.2/3 GV Tower, 3rd Floor,
Kochadai, Melakal Main Road,
Madurai – 625 016.
- 3.The Chief Judicial Magistrate,
Madurai.
- 4.Cholamandalam Investment &
Finance Co. Ltd.,
Rep. by Authorized Officer,
Thiyagu Neelamegam,
S/o.Neelamegam,
Dare House No.2, N.S.C.Bose Road,
Parrys, Chennai – 600 001.icer,
Elumalai Town Panchayat,
Ward No.7, Perumalapatti Road,
Elumalai.



WEB COPY



W.P.(MD)Nos.1926 of 2023 & 11861 of 2022

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

vsm

W.P.(MD)Nos.1926 of 2023 & 11861 of 2022

01.02.2023