



W.P(MD)No.1242 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2023

CORAM:

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

**W.P(MD)No.1242 of 2023
and
W.M.P(MD)No.1151 & 1153 of 2023**

S.Peer Fathima

... Petitioner

VS.

1.The Authorized Officer,
Indian Overseas Bank,
131, East Car Street,
Tirunelveli Town,
Tirunelveli District – 627 006.

2.The Branch Manager,
Indian Overseas Bank,
Tirunelveli Town Branch,
131, East Car Street,
Tirunelveli Town,
Tirunelveli District – 627 006.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records of the impugned possession notice dated 21.12.2022 issued by the first respondent and quash the same as illegal.



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For Petitioner : Mr.R.J.Karthick
For Respondents : Mr.R.Pandivel
Standing Counsel

ORDER

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

The prayer in this Writ Petition is for issuance of a Writ of Certiorari, to quash the impugned possession notice dated 21.12.2022 issued by the first respondent.

2.The learned counsel appearing for the petitioner has filed an affidavit before this Court stating that the petitioner is ready to pay a sum of Rs.10,57,122/- to the respondent Bank on or before 24.02.2023 and to pay the remaining outstanding amount in six consecutive equal monthly instalments.

3.The learned counsel appearing for the respondents is agreeable for the said undertaking given by the petitioner, however, with liberty to the respondent Bank to proceed against the petitioner in case of default in payment of any one of the instalments.



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4.Considering the submissions made on either side, the petitioner is directed to pay a sum of Rs.10,57,122/- (Rupees Ten Lakhs Fifty Seven Thousand and One Hundred and Twenty Two Only) to the respondent Bank on or before 24.02.2023 and the remaining outstanding amount shall be paid in six consecutive equal monthly instalments. The first instalment shall be paid on or before 24.03.2023 and the subsequent five instalments shall be paid on or before 24th day of every English Calendar month until the entire payment is made. Till such time, no coercive steps shall be taken by the respondent. If the petitioner fails to pay the amount in any one of the instalments, the respondent Bank may proceed further in accordance with law.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [R.V.,J.]
24.01.2023

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

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

ps

ORDER MADE IN
W.P(MD)No.1242 of 2023

DATED : 24.01.2023