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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:**11.04.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)NO.1821 OF 2023
and
W.M.P(MD)No.1616 of 2023**

M.Prabu

:Petitioner

.VS.

The Authorized Officer,
M/s.Jana Small Finance Bank Limited,
Regional office,
No.28/36, First Floor,
South West Boag Road,
T.Nagar,
Chennai – 600 017.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the possession notice issued by the respondent, dated 11.01.2023 and to quash the same as illegal and consequently to direct the respondent to hand over the possession of the description of property mentioned in the above said notice to the Petitioner.

For Petitioner

:Mr.G.Thiruvavutselvan

For Respondent

:Mr.S.Babu
Standing Counsel



ORDER

WEB COPY (Order of the Court was made by R.SUBRAMANIAN,J)

In view of the fact that the Debts Recovery Tribunal, Madurai, is not manned, we are entertaining this Writ Petition.

2.On 6.2.2023, this Court has passed the following order:

"The learned counsel for the Petitioner submitted that the Petitioner undertakes to pay 50% of the outstanding amount to the respondent Bank within a period of three months and on such payment, the respondent Bank shall hand over the possession and thereafter, within three months, he will pay the remaining outstanding amount and to that effect, seeks, time to file an undertaking affidavit.

Post on 07.02.2023."

3.Pursuant to the same, the Petitioner has filed an affidavit and paragraph No.2 of which reads as follows:

"2.I respectfully submit that on 6.2.2023, the matter came up before this Honourable High Court instruct to get willingness from the Petitioner to deposit the amount and tenure. In this regard, I undertake to deposit 50% of the amount mentioned in the possession notice within a period of three months. Further I undertake to settle the balance



amount within another months. This Honourable Court may be pleased to direct the respondent to give possession of the property to me after I deposit 50% of the above said amount."

4.The learned counsel for the respondent-Bank would submit that the amount due as of today is Rs.7,96,474/-(roughly about Rs. 8 lakhs).

5.Considering the same, the Writ Petition is disposed of with the following directions:

1.the Petitioner shall pay a sum of Rs.4 lakhs(Rupees four lakhs only) to the respondent-Bank on or before 15.7.2023;

2.the balance amount shall be paid by the Petitioner on or before 15.08.2023;

3.On payment of a sum of Rs.4 lakhs as aforesaid, the respondent-bank shall restore possession of the property in question to the Petitioner;

4.If the remaining amount is not paid by the Petitioner on or



before October 2023, the respondent-Bank is at liberty to take possession of the property in question and to take steps for recovery of the dues in the manner known to law.

No costs. Consequently, connected Miscellaneous petition is closed.

[R.S.M.,J.] [L.V.G,J.]
11.04.2023

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

vsn

To

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R.SUBRAMANIAN, J.

AND

L.VICTORIA GOWRI, J.

vsn

ORDER MADE IN

W.P(MD)NO.1821 OF 2023

and

W.M.P(MD)No.1616 of 2023

11.04.2023