



WEB COPY

W.P.(MD) No.2258 of 2023



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 03.02.2023**

**CORAM:**

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE  
and  
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR**

**W.P(MD)No.2258 of 2023  
and  
W.M.P(MD)No.2033 of 2023**

N.Karpaga Narayanan

... Petitioner

-VS-

The Authorised Officer,  
Canara Bank,  
West Avani Moola Street,  
Madurai-625 001.

... Respondent

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the Impugned Possession Notice, dated 28.11.2022 issued by the respondent and quash the same.

For Petitioner : Mr.R.Senthil Kumar

For Respondent : Mr.C.Deepak

Standing Counsel



**ORDER**

**[Order of the Court was made by  
The Hon'ble The ACTING CHIEF JUSTICE]**

Mr.N.Karpaga Narayanan, S/o.Nallathambi, Proprietor of M/s.Nallathambi M-sand and Blue Metals, D.No.4/217, Sarojini Street, E.B.Colony, Iyer Bungalow, Madurai-625 014, has filed this Writ Petition for issuance of a Writ of Certiorari, to call for the records relating to the impugned possession notice, dated 28.11.2022 issued by the respondent and quash the same.

2. Heard the learned counsel on either side and perused the materials available on record.

3. Since the post of Presiding Officer, Debts Recovery Tribunal, Madurai, is lying vacant and the Presiding Officer, Debts Recovery Tribunal, Coimbatore, is given in-charge and he is taking up cases pertaining to DRT, Madurai, on every Fridays only, we entertain this writ petition.

4. Learned counsel appearing for the petitioner submitted that the petitioner on two occasions borrowed loan.



First loan was availed in the year 2018 for a sum of Rs. 1,00,00,000/- and another loan was availed in the year 2021 for a sum of Rs.1,60,00,000/-. Now the total outstanding comes to Rs. 2,72,37,797/-. In view of COVID-19 pandemic situation, the petitioner was not able to continue regular payment of instalments. Therefore, the impugned possession notice under Section 13(4) of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 has been issued.

5. Learned counsel appearing for the petitioner undertakes to pay sum of Rs.50,00,000/- (Rupees Fifty Lakhs only) within a period of one month and the balance outstanding amount in five equated monthly instalments thereafter, for which, learned standing counsel for the respondent agreed.

6. Recording the above submissions, we direct the petitioner to pay a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only) within a period of one month from today and the balance outstanding amount in five equated monthly instalments thereafter. The first instalment shall be paid on or before 03.04.2023 and the subsequent instalments shall be paid on or



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before the 3<sup>rd</sup> day of every succeeding months. Till such time, no coercive steps shall be taken against the petitioner by the respondent Bank. If there is any default in payment of any one of the instalments, the respondent Bank is at liberty to proceed further in accordance with law.

7. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**[T.R., A.C.J.] [D.K.K., J.]**  
**03.02.2023**

NCC : Yes / No  
Index : Yes / No  
Internet: Yes  
bala/am



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**T.RAJA, A.C.J.**  
**and**  
**D.KRISHNAKUMAR, J.**

bala/am

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**03.02.2023**