



W.P(MD)No.2516 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.2516 of 2023
and
W.M.P(MD)No.2303 of 2023**

M/s.Aniska Trading Private Limited,
Represented by its Managing Director S.Ananda Rajan,
No.155/5, 3rd Floor,
Dennis Plaza,
Pammam,
Marthandam,
Kanyakumari District.

... Petitioner

VS.

The Authorized Officer,
Karur Vysya Bank,
Marthandam Branch,
Door No.1/29, Main Road,
Marthandam,
Kanyakumari District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to release any of the two documents secured for the loan liability of the petitioner M/s.Aniska Trading Private Limited with Karur Vysya Bank, Marthandam Branch, Kanyakumari District so as to sell away the same and



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WEB COPY settle the loan liability based on the petitioner's representations dated 11.01.2023 and 21.01.2023.

For Petitioner : Mr.C.K.M.Appaji

For Respondent : Mr.V.Sukumar
Standing Counsel

ORDER

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

The prayer in this Writ Petition is seeking for issuance of a Writ of Mandamus, directing the respondent to release any of the two documents secured for the loan liability of the petitioner M/s.Aniska Trading Private Limited with Karur Vysya Bank, Marthandam Branch, Kanyakumari District so as to sell away the same and settle the loan liability based on the petitioner's representations dated 11.01.2023 and 21.01.2023.

2. Earlier, the petitioner filed a Writ Petition in W.P(MD)No.25713 of 2022, challenging the impugned order in CrI.M.P.No. 7490 of 2022, dated 13.09.2022 passed by the learned Chief Judicial Magistrate, Kanyakumari under Section 14 of the SARFAESI Act and this Court by order dated 14.11.2022 directed the petitioner to pay a sum of



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WEB COPY Rs.50 lakhs to the respondent Bank on or before 14.12.2022 and the subsequent six instalments shall be paid on or before the 14th day of every English Calendar month until the entire payment is made.

3. According to the petitioner, he paid a sum of Rs.50 lakhs on 14.12.2022 and the first instalment of Rs.41,67,000/- was paid on 13.01.2023, but the subsequent instalments have not been paid due to financial crisis in running the business. Hence, the petitioner has filed the present Writ Petition with the above said prayer.

4. The learned standing counsel appearing for the respondent Bank submitted that it is for the Bank to consider the request made by the petitioner.

5. In view of the above, without going into the merits of the claim made by the petitioner, the respondent is directed to consider the representations of the petitioner, dated 11.01.2023 and 21.01.2023 and pass appropriate orders as per the RBI norms, within a period of six weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [L.V.G.,J.]
08.02.2023

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

To

The Authorized Officer,
Karur Vysya Bank,
Marthandam Branch,
Door No.1/29, Main Road,
Marthandam,
Kanyakumari District.



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D.KRISHNAKUMAR,J.

and

L.VICTORIA GOWRI,J.

ps

ORDER MADE IN
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