



W.P(MD)No.2789 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2023

CORAM:

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

**W.P(MD)No.2789 of 2023
and
W.M.P(MD)Nos.2542 & 2545 of 2023**

M/s.Vimalanandha Educational Charitable Trust,
A Trust represented by its Chairman,
R.Muruganathan.

... Petitioner

vs.

- 1.The Regional Director,
Reserve Bank of India,
16, Rajaji Salai,
Fort Glasis,
Chennai – 600 001,
Tamil Nadu.
- 2.The Karur Vysya Bank,
Represented by its Authorized Officer,
Asset Recovery Management Branch,
R.S.No.170/7, Uthangudi,
Near Mattuthavani Bus Stand,
Madurai – 625 107.
- 3.The Manager,
Karur Vysya Bank,
Salai Street,
Ramanathapuram,
Ramanathapuram District.



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4.M.Sivasankar,
Advocate Commissioner,
Lawyers' Chamber,
Bar Association,
Ramanathapuram,
Ramanathapuram District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order passed in Crl.M.P.No.1614 of 2022, dated 19.09.2022 by the learned Chief Judicial Magistrate, Ramanathapuram, Ramanathapuram District and quash the same.

For Petitioner : Mr.R.Murugappan
For RR 2 & 3 : Mr.V.Sukumar
Standing Counsel

ORDER

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

Since the Presiding Officer, Coimbatore, is in-charge of the Debts Recovery Tribunal, Madurai and the Debts Recovery Tribunal, Madurai is functioning weekly once ie., on every Friday, the petitioner has filed the present Writ Petition.



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2.The prayer in this Writ Petition is seeking for issuance of a Writ of Certiorari, to quash the impugned order passed in CrI.M.P.No.1614 of 2022, dated 19.09.2022 by the learned Chief Judicial Magistrate, Ramanathapuram, Ramanathapuram District.

3.The learned counsel appearing for the petitioner submitted that the petitioner undertakes to pay a sum of Rs.1 crore to the respondent Bank on or before 06.03.2023 and the entire outstanding amount within a period of six months on instalments basis.

4.The learned standing counsel appearing for the respondent Bank is agreeable for the aforesaid proposal, however, with liberty to the respondent Bank to proceed against the petitioner in case of default in payment of any one of the instalments.

5.Considering the submissions made on either side, the petitioner is directed to pay a sum of Rs.1 crore to the respondent Bank on or before 06.03.2023 and the entire outstanding amount to the respondent Bank in six consecutive equal monthly instalments. The first instalment shall be paid on or before 10.04.2023 and the subsequent five instalments shall



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be paid on or before 10th 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.

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

[D.K.K.,J.] [L.V.G.,J.]
20.02.2023

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



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D. KRISHNAKUMAR,J.
and
L.VICTORIA GOWRI,J.

ps

ORDER MADE IN
W.P(MD)No.2789 of 2023

DATED : 20.02.2023