



W.P.(MD) No.2602 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.2602 of 2023

and

W.M.P.(MD)No.2366 of 2023

Marimuthu

... Petitioner

-Vs-

1.The Regional Manager,

Canara Bank, 42/1A, Bishop Sundaram Complex,

Pudukottai Road, VOC Nagar, Post,

Thanjavur, Tamil Nadu-613007.

2.The Authorized Officer,

Canara Bank, Vallam Branch, Vallam,

Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned

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possession notice dated 22.12.2022 issued by the 2nd respondent and quash the same and consequently, direct the respondents to consider the petitioner's representation dated 28.01.2023 for one time settlement of balance loan amount within the time stipulated by this Court.

For Petitioner : Mr.D.Venkatachalam

For Respondents : Mr.R.Pandivel,
Standing Counsel

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Challenging the possession notice dated 22.12.2022 issued by the 2nd respondent, this Writ Petition is filed with a consequential direction to the respondents to consider the petitioner's representation dated 28.01.2023 for one time settlement of balance loan amount within the time stipulated by this Court.

2.Since the Debts Recovery Tribunal is functioning once in a week i.e., every Friday, we are inclined to entertain this Writ Petition.

3.Mr.R.Pandivel, learned Standing Counsel takes notice on behalf of the respondents.

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4.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

5.Though the petitioner has challenged the possession notice dated 22.12.2022 issued by the respondent Bank, now, the learned counsel appearing for the petitioner confined the prayer to the extent that the petitioner is satisfied, if his representation dated 28.01.2023 seeking One Time Settlement is directed to be considered by the respondent Bank.

6.The learned Standing Counsel appearing for the respondent Bank, on instructions, submitted that the representation of the petitioner will be considered and appropriate decision will be taken by the respondent Bank within a stipulated time.

7.Considering the limited scope of the prayer sought for by the learned counsel for the petitioner, without going into the merits of the case, we direct the

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1st respondent to consider the representation of the petitioner dated 28.01.2023 on its own merits and in accordance with law, as early as possible, preferably, within a period of two weeks from the date of receipt of a copy of this order. Till such time, the respondent Bank shall not take any coercive steps against the petitioner.

8. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

MYR



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AND
L.VICTORIA GOWRI, J.

MYR

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