



W.P(MD)No.3190 of 2023

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

**DATED : 16.02.2023**

**CORAM:**

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

**W.P(MD)No.3190 of 2023  
and  
W.M.P(MD)No.2970 of 2023**

M.Solaimalai

... Petitioner

VS.

1.The District Collector,  
District Collectorate, Madurai.

2.The Tahsildar,  
Madurai East Taluk, Madurai.

3.The Authorized Officer,  
M/s.Poonawalla Housing Finance Limited  
(Formerly known as Magma Housing Finance Limited),  
No.79/2, Raja Barley Building,  
3<sup>rd</sup> Floor, Bye Pass Road,  
Madurai – 625 016.

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents from taking physical possession of the petitioner's property situated at Door No.1/243 in Natham Survey No.78/7 situated at Melamadai I Bit Village, Madurai East Taluk, Madurai, in view of the first respondent order vide

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ROC.No.C6/34607/2019, dated 28.09.2020 and consequently, in view of the second respondent notice vide Na.Ka.No.3758/2022/A3, dated 01.02.2023 until disposal of the SARFAESI Application filed with Diary No.193 of 2023 before the Debts Recovery Tribunal, Madurai.

For Petitioner : Mr.C.Masilamani

For RR 1 & 2 : Mr.P.T.Thiraviyam  
Government Advocate

For R – 3 : Mr.Sankara Pandian

### **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 once in a week ie., on every Friday, the petitioner has filed the present Writ Petition.

2.By consent of both the parties, the Writ Petition is taken up for final disposal at the time of admission itself.

3.The prayer in this Writ Petition is seeking for issuance of a Writ of Mandamus, forbearing the respondents from taking physical possession of the petitioner's property situated at Door No.1/243 in Natham



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Survey No.78/7 situated at Melamadai I Bit Village, Madurai East Taluk, Madurai, in view of the first respondent order vide ROC.No.C6/34607/2019, dated 28.09.2020 and consequently, in view of the second respondent notice vide Na.Ka.No.3758/2022/A3, dated 01.02.2023 until disposal of the SARFAESI Application filed with Diary No.193 of 2023 before the Debts Recovery Tribunal, Madurai.

4.The learned counsel appearing for the petitioner submitted that the petitioner undertakes to pay 25% of the outstanding amount to the third respondent Bank within the time stipulated by this Court and thereafter, approach the respondent Bank seeking for settlement under One Time Settlement scheme.

5.The learned standing counsel appearing for the third respondent Bank strongly objected and submitted that the outstanding due amount comes to Rs.1 crore 20 lakhs and the petitioner has not shown any bonafide to pay the entire outstanding amount to the third respondent Bank.



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6.At this juncture, the learned counsel appearing for the petitioner submitted that the petitioner had drawn a Demand Draft in favour of the third respondent/Poonawalla Housing Finance Limited for a sum of Rs.10,00,000/- (Ten Lakhs Only) bearing No.470374 and the said amount will be paid to the third respondent Bank today itself and also agreed to pay a sum of Rs.20,00,000/- within a period of two weeks from today.

7.Considering the submissions made on either side, this Court is inclined to pass the following order:-

(i) The petitioner shall pay the said amount of Rs.10,00,000/-, which was drawn in favour of the third respondent/Poonawalla Housing Finance Limited for a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) as a Demand Draft bearing No.470374, to the third respondent Bank today itself.

(ii) The petitioner also shall pay a sum of Rs.20,00,000/- (Rupees Twenty Lakhs Only) to the third respondent Bank within a period of two weeks from today.



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(iii) Till such time, no coercive steps shall be taken by the respondents.

(iv) If the petitioner fails to pay the amount, as stated above, the third respondent Bank may proceed further in accordance with law.

(v) It is needless to say that it is open to the petitioner to approach the third respondent Bank seeking for settlement under One Time Settlement scheme.

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

**[D.K.K.,J.] [L.V.G.,J.]**  
**16.02.2023**

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

- 1.The District Collector,  
District Collectorate,  
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- 2.The Tahsildar,  
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**D. KRISHNAKUMAR,J.**  
**and**  
**L.VICTORIA GOWRI,J.**

ps

**ORDER MADE IN**  
**W.P(MD)No.3190 of 2023**

**DATED : 16.02.2023**