



W.P(MD)No.3582 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2023

CORAM:

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

**W.P(MD)No.3582 of 2023
and
W.M.P(MD)No.3334 of 2023**

Haami Industries,
Represented through its Proprietor,
K.Vidhyalakshmi,
New No.135, Old No.110,
Kondu Raja Street,
Sakkarajakottai,
Rajapalayam,
Virudhunagar District.

... Petitioner

vs.

1.The District Collector cum District Magistrate,
Virudhunagar,
Virudhunagar District.

2.The Tamil Nadu Industrial Investment
Corporation Limited,
Represented by its Authorized Officer / Branch Manager,
98/C4, 2nd Floor,
Chairman Shanmuga Nadar Road,
Sivakasi,
Virudhunagar District.

... Respondents



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WEB C 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 of the proceedings of the impugned order passed by the learned Chief Judicial Magistrate, Srivilliputhur, dated 03.01.2023 in Cr.M.P.No.9741 of 2022 under Section 14(1)(2) of the SARFAESI Act in respect of two houses in Door No.178, Madasamy Kovil Street, Rajapalayam, Virudhunagar District.

For Petitioner : Mr.K.P.Sankarakumarakuruparan

For R - 2 : Mr.R.Saravanan
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 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 Certiorari, to quash the impugned order passed by the learned Chief



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Judicial Magistrate, Srivilliputhur, dated 03.01.2023 in Cr.M.P.No.9741 of 2022 under Section 14(1)(2) of the SARFAESI Act in respect of two houses in Door No.178, Madasamy Kovil Street, Rajapalayam, Virudhunagar District.

4.Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner filed an undertaking affidavit before this Court and submitted that the petitioner undertakes to pay a sum of Rs.5,00,000/- to the second respondent Bank within a period of two weeks from today; an additional amount of Rs.5,00,000/- to the second respondent Bank within a period of two weeks thereafter and the remaining outstanding amount in six consecutive equal monthly instalments.

4.The learned counsel appearing for the second respondent Bank also agreed for the abovesaid submission made by the learned counsel appearing for the petitioner.

5.Considering the submissions made on either side, we are inclined to pass the following order:-



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(i) The petitioner is directed to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) to the second respondent Bank on or before 10.03.2023.

(ii) Thereafter, the petitioner is directed to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) to the second respondent Bank on or before 24.03.2023.

(iii) The remaining outstanding amount shall be paid in six consecutive equal monthly instalments. The first instalment shall be paid on or before 24.04.2023 and the subsequent five instalments shall be paid on or before 24th day of every English Calendar month until the entire payment is made and the last instalment along with interest and other charges shall be paid on or before 24.09.2023.

(iv) Till such time, the impugned order passed in Cr.M.P.No.9741 of 2022, dated 03.01.2023, by the learned Chief Judicial Magistrate, Srivilliputhur, shall be kept in abeyance.



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(v) If the petitioner fails to pay the amount in any one of the instalments, the second 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 Petition is closed.

[D.K.K.,J.] [L.V.G.,J.]
24.02.2023

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

To

1. The District Collector cum District Magistrate,
Virudhunagar,
Virudhunagar District.
2. The Tamil Nadu Industrial Investment
Corporation Limited,
Represented by its Authorized Officer / Branch Manager,
98/C4, 2nd Floor,
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D. KRISHNAKUMAR,J.
and
L.VICTORIA GOWRI,J.

ps

ORDER MADE IN
W.P(MD)No.3582 of 2023

DATED : 24.02.2023