



W.P(MD)No.4157 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2023

CORAM:

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

**W.P(MD)No.4157 of 2023
and
W.M.P(MD)Nos.3973, 3974 & 3976 of 2023**

1.N.Arun Anburaj
2.C.Saroja

... Petitioners

vs.

The Authorized Officer/Branch Manager,
Can Fin Homes Limited,
Shakthi Towers,
564/1, 12th Cross Street,
Anna Nagar,
Madurai – 625 020.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order dated 14.02.2023 made in Cr.M.P.No.128 of 2023 on the file of the Chief Judicial Magistrate, Madurai and quash the same and directing the respondent to refrain from evicting the petitioners and their family from Door No.16, Harini Arumugam Nagar, Narasingam, Madurai on the basis of the said impugned order without following due process of law.



W.P(MD)No.4157 of 2023

WEB COPY

For Petitioners : Ms.Porkodi Karnan

For Respondent : Mr.S.I.Muthiah
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 petitioners have 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 Certiorarified Mandamus, to quash the order dated 14.02.2023 made in Cr.M.P.No.128 of 2023 on the file of the Chief Judicial Magistrate, Madurai and to direct the respondent to refrain from evicting the petitioners and their family from Door No.16, Harini Arumugam Nagar, Narasingam, Madurai on the basis of the said impugned order without following due process of law.



W.P(MD)No.4157 of 2023

WEB COPY

4.Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioners submitted that the petitioners undertake to pay a sum of Rs.7,50,000/- to the respondent Bank on or before 28.03.2023 and settle the entire outstanding amount either by One Time Settlement or the scheme offered by the respondent Bank. The learned counsel appearing for the petitioners submitted that if the impugned order is executed, the petitioners will put into irreparable loss and hardship. Hence, the learned counsel seeks an interim protection.

5.The learned counsel appearing for the respondent Bank also agreed for the abovesaid submission made by the learned counsel appearing for the petitioners, however, if the petitioners paid the said amount to the respondent Bank, the respondent Bank will not take any coercive steps against the petitioners. If the petitioners failed to pay the said amount, liberty is granted to the respondent Bank to take action in accordance with law.



W.P(MD)No.4157 of 2023

WEB COPY

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

(i) The petitioners are directed to pay a sum of Rs.7,50,000/- (Rupees Seven Lakhs Fifty Thousand Only) to the respondent Bank on or before 28.03.2023.

(ii) In the meantime, the petitioners are at liberty to approach the respondent Bank for settling the remaining amount either under One Time Settlement or the scheme offered by the respondent Bank.

(iii) Till 28.03.2023, no coercive steps shall be taken by the respondent Bank.

(iv) If the petitioners fail to pay the said amount or settlement has not been arrived at between the parties, the respondent Bank may proceed further in accordance with law, without obtaining further orders from this Court.



W.P(MD)No.4157 of 2023

WEB COPY

7. 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.]
28.02.2023
(2/2)

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

To

The Authorized Officer/Branch Manager,
Can Fin Homes Limited,
Shakthi Towers,
564/1, 12th Cross Street,
Anna Nagar,
Madurai – 625 020.



WEB COPY



W.P(MD)No.4157 of 2023

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

ps

ORDER MADE IN
W.P(MD)No.4157 of 2023

DATED : 28.02.2023
(2/2)