



WEB COPY

W.P.(MD)No.4657 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR**

**W.P.(MD)No.4657 of 2023
and
W.M.P.(MD)Nos.4349 and 4350 of 2023**

C.Sivathaniraja

... Petitioner

vs.

1. The Authorized Officer,
Indian Overseas Bank,
Plot No.40, Eighty Feet Road,
Arignar Anna Nagar,
Madurai.

2. The Branch Manager,
Indian Overseas Bank,
Theni-Allinagaram Branch,
Theni.

... 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 relating to the demand notice issued by the 1st respondent in his proceedings RO/SAMD/SAF/21/2022-23 dated 17.11.2022 and consequential possession notice issued by the 1st respondent in his proceedings RO/SAMD/SAF/PN/28/2022-23 dated 14.02.2023 and quash the same as illegal.



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For Petitioner : Mr.R.Gandhi, Senior Counsel for
M/s.Gandhi Associates
For Respondents : Mr.N.Dilip Kumar
Standing Counsel

ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

With the consent of parties, the writ petition itself is taken up for final disposal.

2. Challenging the demand notice issued by the 1st respondent in his proceedings RO/SAMD/SAF/21/2022-23 dated 17.11.2022 and consequential possession notice in his proceedings RO/SAMD/SAF/PN/28/2022-23 dated 14.02.2023, the petitioner has filed this writ petition.

3. Since the post of Presiding Officer, Debts Recovery Tribunal, Madurai, is lying vacant and the Presiding Officer, Debts Recovery Tribunal, Coimbatore, is given in-charge and he is taking up cases pertaining to DRT, Madurai, on every Fridays only, we entertain this writ petition.



4. Mr.N.Dilip Kumar, learned standing counsel takes notice for the respondents.

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5. Learned Senior Counsel appearing for the petitioner submits that the total outstanding amount as on date is at Rs.16,48,748/-. Now the petitioner is prepared to pay a sum of Rs.6,48,748/- to the respondent Bank on or before 07.03.2023 and another sum of Rs.5,00,000/- on or before 03.06.2023 and the balance amount of Rs.5,00,000/- on or before 03.09.2023.

6. Learned standing counsel appearing for the respondents 1 and 2 has objected to the aforesaid submission regarding payment of Rs.5,00,000/- each, on or before 03.06.2023 and 03.09.2023 and submitted that after paying a sum of Rs.6,48,748/- before 07.03.2023, the petitioner has to pay the balance outstanding amount in six consecutive equal monthly instalments. He further submitted that if the petitioner commits default in payment of any one of the above instalments, liberty may be given to the respondent Bank to proceed further in accordance with law.

7. Learned counsel for the petitioner has agreed to the aforesaid payment schedule made by the learned standing counsel.



8. Recording the above submissions, the Writ Petition is disposed of directing the petitioner to pay a sum of Rs.6,48,748/- (Rupees Six Lakhs Forty Eight Thousand Seven Hundred and Forty Eight only) to the respondent Bank on or before 07.03.2023 and the remaining outstanding amount in six consecutive equal monthly instalments. The first instalment shall be paid on or before 10th day of April 2023 and the subsequent instalments shall be paid on or before the 10th day of succeeding months until 10.09.2023. Till such time, the impugned orders shall be kept in abeyance. If the petitioner commits default in payment of any one of the instalments, the respondent Bank will be at liberty to proceed further in accordance with law. No costs. Connected miscellaneous petitions are closed.

[T.R., A.C.J.] [D.K.K., J.]
03.03.2023

NCC : Yes / No
Index : Yes / No
Internet: Yes / No
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W.P.(MD)No.4657 of 2023:

T.RAJA, A.C.J.
and
D.KRISHNAKUMAR, J.

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ORDER MADE IN
W.P.(MD)No.4657 of 2023
DATED : 03.03.2023