



W.P.(MD) No.5239 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.5239 of 2023
and
W.M.P.(MD) No.4931 of 2023**

P.Praba

... Petitioner

-VS-

1.M/s.Union Bank of India
rep.by its Branch Manager
K.K.Nagar Branch
K.K.Nagar
Madurai
Madurai District

2.The Authorised Officer
M/s.Union Bank of India
D.No.72, P.T.Rajan Road
Bubikulam
Madurai
Madurai District

... Respondents



W.P.(MD) No.5239 of 2023

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating to the impugned possession notice dated 04.03.2023, issued by the second respondent herein and quash the same.

For Petitioner : Mr.R.Vijayaragavan

For Respondents : Mr.R.Pandivel, Standing Counsel

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Admit.

2. Challenge in this writ petition is to the possession notice, dated 04.03.2023, issued by the respondent – Bank.

3. Mr.R.Pandivel, learned Standing Counsel, takes notice for the respondent – Bank.



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W.P.(MD) No.5239 of 2023

4. According to the learned Standing Counsel, the amount due from the petitioner is around Rs.38 Lakhs and the Bank has given enough opportunity to the petitioner to close the loan. But, the petitioner has not availed the opportunity and therefore, if at all there should be any indulgence to be shown to the petitioner, it should be only conditional.

5. Considering the overall circumstances, we feel that the petitioner should be given one more opportunity to liquidate the loan. Hence, the writ petition is disposed of with the following directions:

- (i) The respondent – Bank is required to defer further action pursuant to the impugned possession notice, dated 04.03.2023, if the petitioner pays a sum of Rs.8,00,000/- (Rupees Eight Lakhs only) to the respondent – Bank on or before 30.03.2023.
- (ii) The petitioner will pay the balance amount in four equated monthly installments commencing from April, 2023. The monthly instalments shall be paid on or before 20th of every succeeding month.



W.P.(MD) No.5239 of 2023

WEB COPY

- (iii) The interest payable for the interregnum period and cost for publication shall be paid by the petitioner along with the last installment.
- (iv) The respondent – Bank can proceed further, if there is a default on the part of the petitioner in payment of two monthly installments.

No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

13.03.2023

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

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W.P.(MD) No.5239 of 2023

R.SUBRAMANIAN, J.
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krk

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