



W.P.(MD) No.5345 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2023

CORAM:

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

W.P.(MD) No.5345 of 2023

and

W.M.P(MD)No.4998 of 2023

Mrs.V.P.Arulmozhi

... Petitioner

-VS-

1.The Authorised Officer,
State Bank of India,
Karur Main Branch,
No.13, - 16, Old Bye-Pass Road,
Karur – 639 001.

2.The Branch Manager,
State Bank of India,
Karur Main Branch,
No.13, - 16, Old Bye-Pass Road,
Karur – 639 001.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to restore the possession of the first floor of the petitioner's residential house premises situated at No.14, Arunachala Nagar, 4th Cross, Pasupathipalayam Post, Karur Taluk and District, pursuant to the action of sealing it on 23.02.2023.



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For Petitioner : Mr.S.Gokulraj

For Respondents : Mr.N.Dilipkumar, Standing Counsel

ORDER

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

The writ petition is filed to direct the respondents to restore the possession of the first floor of the petitioner's residential house.

2. The first floor portion of the petitioner's house was sealed by the bank for non-repayment of the loan. Since the tenant is in occupation of the ground floor, the bank had given some time to the tenant to vacate. The petitioner had moved the Debts Recovery Tribunal, challenging the order of the Chief Judicial Magistrate, Karur, made under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. The Debts Recovery Tribunal has granted stay subject to a condition that the petitioner pays a sum of Rs.14,00,000/- on or before 14.02.2023. The petitioner was unable to comply with the condition fully though she paid certain amounts.

3. The learned counsel appearing for the petitioner would submit that she has got children who are appearing for Board



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Examinations and therefore, this Court should consider the matter sympathetically and direct the bank to de-seal the premises subject to certain terms so as to enable the children to take the examinations in peace.

4. Considering the said fact and the fact that the petitioner has now offered to pay substantial amount, we feel that an opportunity should be given to the petitioner to close the loan by paying the amount due in installments.

5. Considering the overall circumstances, the writ petition is disposed of with the following directions:

(i) The petitioner is directed to pay a sum of Rs.10,00,000/-(Rupees Ten Lakhs Only) on or before 30th of March, 2023.

(ii) On payment of Rs.10,00,000/-, the bank will de-seal the premises.

(iii) The petitioner shall pay the balance amount in four monthly installments commencing from 30th of April, 2023.



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(iv) If there is a default in payment of any of the installments as aforesaid, the bank will have the right to re-seal the premises without any notice and take action to recover the loan amount.

No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : Yes/No

Index : Yes/No

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