



W.P.(MD)No.5903 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2023

CORAM

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.(MD)No.5903 of 2023

and W.M.P.(MD) Nos.5486, 5487 and 12938 of 2023

Jeyapal Varaprasatham

... Petitioner

Vs.

1.The Reserve Bank of India,
No.6, Rajaji Road,
Fort St. George,
Chennai.

2.The Authorized Officer,
State Bank of India,
Uthamapalayam Branch,
South Car Street,
Uthamapalayam Taluk,
Theni District.

3.M.Prakash

... Respondents

(R3 is suo motu impleaded vide Court
Order dated 12.05.2023 in W.P.(MD)
No.5903 of 2023 by GRSJ & SSYJ)

Prayer: Writ Petition filed under Article 226 of Constitution of India, to
issue a Writ of Certiorari, to call for the records pertaining to the



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Impugned order issued by the Chief Judicial Magistrate, Theni in Cr.M.P.No.6368 of 2022 dated 23.02.2023 for taking Physical Possession over the Mortgage property scheduled to be held on 16.03.2023 and quash the same on the ground that the same is arbitrary and illegal.

For Petitioner	: Mr.Manoj Kumar for M/s.P.Krishnasamy
For 1 st Respondent	: No appearance
For 2 nd Respondent	: Mr.C.Deepak
For 3 rd Respondent	: Mr.S.Vidhyasaran

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

The Writ Petition is filed challenging the impugned order dated 23.02.2023 issued by the Chief Judicial Magistrate, Theni, in Cr.M.P.No. 6368 of 2022, filed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. This Court, on 12.05.2023, granted interim stay till 10.06.2023 as the petitioner showed a Demand Draft for Rs.5,00,000/ -. In the same order, this Court directed the petitioner to approach the



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second respondent bank on the date of order i.e., 12.05.2023 and hand over the Demand Draft. A direction was also issued to keep the said amount in a non-lien account.

3. Now, it is reported that the petitioner has not paid the said sum. It is in these circumstances, we are not inclined to entertain this Writ Petition. Hence, this Writ Petition is dismissed. However, it is open to the petitioner to challenge the order impugned in the Writ Petition or the subsequent sale before the Debts Recovery Tribunal in the manner known to law. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

[S.S.S.R., J.] [D.B.C., J.]
20.07.2023

NCC : Yes / No
Index : Yes / No
sj



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S.S.SUNDAR, J.

and

D.BHARATHA CHAKRAVARTHY, J.

sj

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