

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.6307 of 2023

and

W.M.P(MD)No.5989 of 2023

T.Tirupathi

: Petitioner

Vs.

1.The Authorized Officer,
The South Indian Bank Ltd.,
YMCA Building,
70 Feet Road, Ellis Nagar,
Madurai.

2.The Branch Manager,
The South Indian Bank Ltd.,
Madurai West Branch,
Melaponnagaram 6th Street,
Gnanaolivupuram,
Madurai – 625 016.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Ceriorarified Mandamus to call for the records of the first respondent in his impugned possession notice dated 09.09.2022 and set aside the same as not maintainable and consequently, direct the official respondents to restore the possession of the property in Re-Survey No.350/21 situated at Thanchiyam Village, Vadipatti Taluk, Madurai District to an extent of property measuring 35278.75 sq.ft (81 cents) along with residential building having total built in area of about 7452.81 sq.ft bearing Door No.4/46 to the petitioner.

For Petitioner : Mr.H.Velavadhas
For Respondent : Mr.Thevan
Standing Counsel

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J)

Challenge is the possession notice issued under Rule 8(6) of the Security Interest (Enforcement) Rules, 2002.

2.Mr.Thevan, learned Standing Counsel takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.The learned counsel for the petitioner would submit that the petitioner will be able to liquidate the debt, if an opportunity is given.

4.The learned counsel for the respondent bank would submit that the amount due as on date is Rs.1,13,11,213/-.

5.In view of the above, the following order is passed:-

“The bank will not proceed further, if the petitioner pays a sum of Rs.28,11,213/- on or before 20.04.2023. The remaining amount of Rs.85,00,000/- shall be paid in five equal monthly installments commencing from 20th May 2023. The interest that accrues in the interregnum shall be paid along the last installment. If there is any default in payment as stated above, the bank can proceed in accordance with law.”

6. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] & [B.P., J.]
23.03.2023

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

W.P.(MD)No.6307 of 2023

R.SUBRAMANIAN., J

AND

B.PUGALENDHI., J

skn

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