

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.6293 of 2023

and

W.M.P(MD)No.5980 of 2023

S.Pandi

: Petitioner

Vs.

The Branch Manager/Authorized Officer,
Canara Bank,
Periyakulam Branch,
Theni District.

: Respondent

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus forbearing the respondent from taking physical possession of the petitioner's property in Natham S.No. 313/1 and sub divided as New S.No.3239/35 situated at T.Kallipatty, Thenkarai Village, Periyakulam Taluk, Theni District.

For Petitioner : Mr.J.Senthil Kumaraiah
For Respondent : Mr.R.Pandivel
Standing Counsel

ORDER

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

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

2.The apprehension of the petitioner is that the respondent bank is attempting to take possession in violation of the stay order granted by the Debts Recovery Tribunal.

3.The learned counsel for the respondent bank would submit that after the order is passed by the Debts Recovery Tribunal granting stay, the petitioner had regularized the account and thereafter, he committed default. Therefore, this default provides new cause of action for the bank.

4.In any event, considering the fact that the amount due is about Rs. 13,00,000/-, the bank is restrained from taking possession, if the petitioner pays a sum of Rs.4,00,000/- on or before 10.04.2023. The balance amount shall be paid in three 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 of the amount as indicated above, the bank can proceed further in accordance with law.

5.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

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AND

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