



W.P.(MD)No.7169 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P.(MD)No.7169 of 2023

and

W.M.P.(MD)Nos.6757 & 6758 of 2023

M.S.Senthilkumar

... Petitioner

Vs.

1.The Authorized Officer,
Canara Bank, T.V.S.Nagar Branch,
Madurai.

2.The Branch Manager,
Canara Bank, T.V.S.Nagar Branch,
Madurai.

...Respondents

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 of the 1st respondent dated 17.03.2023 issued u/s. 13(4) of SARFAESI Act r/w Rule 3 of Security Interest (Enforcement) Rules, 2002, quash the same as arbitrary, illegal, ultravires and violation of the provisions of SARFAESI in respect of property comprised in T.S.No.74 and



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T.S.No.75, totally to an extent of 630 sq.ft situated at North Street, Anuppanadi, Madurai South, Madurai.

For Petitioner : Mr.A.Prasanna Rajadurai

For Respondents : Mr.Madhan Alexandar

ORDER

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

Challenging the possession notice dated 17.03.2023 issued by the 1st respondent under Section 13(4) of SARFAESI Act r/w Rule 3 of Security Interest (Enforcement) Rules, 2002, this Writ Petition has been filed.

2.The learned counsel appearing for the respondent Bank would submit that as on date total dues comes at Rs.10,79,836/- (Rupees Ten Lakhs Seventy Nine Thousand Eight Hundred and Thirty Six Only).

3.For making this payment, the learned counsel appearing for the petitioner would submit that within some easy installments, the petitioner will pay some amount to show his *bona fide* and in the meanwhile, if the Bank has come forward for One Time Settlement even for such kind of settlement, the petitioner would be ready.



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4. For the said proposal, the learned counsel for the respondent Bank has submitted that within a period of two weeks, some substantial payment has to be made and considering the *bona fide* on the part of the petitioner, further course of action as to whether he would be entitled to get One Time Settlement or not, would be decided by the Bank.

5. We have considered the submissions made on either side and perused the materials available on record.

6. Since the petitioner has come forward to make the payment to show his *bona fide*, including to wipe out the remaining payment by way of One Time Settlement, considering the said proposal, having considered the said submission of the learned counsel for the respondent Bank, this Court is inclined to dispose of this Writ Petition on the following terms:-

“that the petitioner shall make a payment of Rs.2,00,000/- (Rupees Two Lakhs Only) to the respondent Bank within a period of 15 days from today (30.03.2023). Insofar as the remaining due amount is concerned, it is open to the petitioner to make a request



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in writing to the respondent Bank for making it as One Time Settlement for some concession and if any such proposal has come from the petitioner in writing, the same shall be considered by the respondent Bank, taking into account the financial position as well as the bona fide nature on the part of the petitioner and accordingly, a decision shall be arrived at by the respondent Bank with regard to the One Time Settlement scheme within a period of four weeks from the date of receipt of such proposal for One Time Settlement. Accordingly, entire amount due shall be settled by the petitioner. In case the petitioner failed to make the payment as indicated above, it is open to the respondent Bank to proceed in accordance with law.”

7. With the above directions, this Writ Petition stands disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

(R.S.K., J.) & (K.K.R.K, J.)
30.03.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

MYR

Note: Issue Order copy by today (30.03.2023) itself.



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R.SURESH KUMAR, J.

AND

K.K.RAMAKRISHNAN, J.

MYR

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