



WP(MD) No.8227 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Special Original Jurisdiction)

Wednesday, the Thirtieth day of August Two Thousand and Twenty Three

PRESENT

THE HON'BLE CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE C.KUMARAPPAN

WP(MD) No.8227 of 2023
and
WMP(MD) No.7584 of 2023

ASHOK ROSE

... Petitioner

Vs

1 THE INDIAN OVERSEAS BANK ZONAL OFFICE,
THROUGH ITS ZONAL MANAGER,
11/952, CROSSCUT ROAD,
GANDHIPURAM,
COIMBATORE-12.

2 THE INDIAN OVERSEAS BANK
REGIONAL OFFICE MADURAI,
THROUGH ITS REGIONAL MANAGER,
PLOT NO.40, 80 FEET ROAD,
ANNA NAGAR,
MADURAI.

3 THE CHIEF MANAGER
INDIAN OVERSEAS BANK,
DINDIGUL MAIN BRANCH,
R.S.ROAD, DINDIGUL.



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4 THE AUTHORISED OFFICER
INDIAN OVERSEAS BANK,
REGIONAL OFFICE,
NAGERCOIL,
KANYAKUMARI DISTRICT.

5 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT,
NAGERCOIL.

6 RAJAIAH CHRISTOPHER

... Respondents

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Certiorarified Mandamus, to call for the proceedings of the 5th respondent dated 29.03.2023 in Criminal Miscellaneous Petition No.3408 of 2023 in Chief Judicial Magistrate, Nagercoil and quash the same a arbitrary, illegal and without jurisdiction and consequently forbear the respondents from initiating any action under the Securitisation Act, 2002 without the restructuring / revival proceedings before the Committee constituted under the Framework for Revival and Rehabilitation of Micro, Small and Medium Enterprises (MSME) of the Reserve Bank of India dated 17.03.2016 attaining finality.

Prayer in WMP(MD). 7584/ 2023 :

To grant an order of stay of operation of the impugned order passed by 5th respondent Chief Judicial Magistrate, Nagercoil dated 29.03.2023 in Criminal Miscellaneous petition No.3408 of 2023 pending disposal of this writ petition.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments M/S.RAMESH.S, Advocate for the petitioner and of MRS.ANANTHA GOMATHI, Advocate for the 3rd Respondent and the 1,2,4 Respondents are not appearing either in person or by an advocate,the court made the following order:-



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The compliance of the order of this Court dated 02.08.2023 has not been made.

The cost of Rs.1,00,000/- (Rupees one lakh only) is not paid by the petitioner.

2. Learned counsel for the petitioner seeks further time of four weeks to deposit the cost amount.

3. We are not inclined to grant such a time.

4. The petitioner shall deposit the cost of Rs.1,00,000/- within two weeks from today.

5. Place the matter for compliance after two weeks.

sd/-
30/08/2023

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/08 /2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

KRK
TO
THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT, NAGERCOIL.

COPY TO:

THE REGISTRAR (JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER

IN

WP(MD) No.8227 of 2023

Date :30/08/2023

PKP/VRS/SAR- /30.08.2023/ 4P/ 3C

Madurai Bench of Madras High Court is issuing certified
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