



W.P.(MD) No.10256 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.10256 of 2023
and
W.M.P.(MD) Nos.9119 & 9120 of 2023**

S.Jayarani

... Petitioner

-VS-

- 1.The Authorised Officer
Canara Bank, Pudukkottai
Pudukkottai District
- 2.The Branch Manager
Canara Bank, Alangudi Branch
Pudukkottai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records of the impugned possession notice dated 15.04.2023 issued by the first respondent and quash the same and further directing the respondents to consider the representation given by the petitioner dated 28.02.2023.



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For Petitioner : Mr.K.Samidurai

For Respondents : Mr.R.Pandivel

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

In view of the fact that the Debts Recovery Tribunal, Madurai, is not manned, we are entertaining this writ petition.

2. The possession notice, dated 15.04.2021, issued by the respondent – Bank, is under challenge in this writ petition.

3. Mr.R.Pandivel, learned counsel, takes notice for the respondent – Bank.

4. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.



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5. Learned counsel for the petitioner would submit that if the petitioner is given sometime, she would liquidate the entire loan.

6. Considering the facts and circumstances, we are of the opinion that the petitioner should be given sometime to liquidate the debt. Hence, the writ petition is disposed of with the following directions:

- (i) The respondent – Bank shall not take possession of the secured asset, if the petitioner pays a sum of Rs.5,72,997/- (Rupees five lakhs seventy two thousand nine hundred and ninety seven only) to the respondent – Bank, on or before 26.05.2023.
- (ii) The balance amount of Rs.10,00,000/- (Rupees ten lakhs only) shall be paid by the petitioner in four equated monthly installments commencing from June, 2023. The monthly instalments shall be paid on or before 26th of every succeeding month.
- (iii) The interest payable for the interregnum period and the other expenses shall be paid by the petitioner along with the last installment.



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- (iv) If there is a default in payment as directed above, the respondent – Bank can proceed further to take possession of the secured asset as well as for recovery of the amount due.

No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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