



W.P.(MD) No.10376 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2023

CORAM:

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

**W.P.(MD) No.10376 of 2023
and
W.M.P (MD) Nos.9190 to 9192 of 2023**

P.Sabari Rajan

... Petitioner

-VS-

1. The Reserve Bank of India,
No.6, Rajaji Road, Fort St.George,
Chennai.

2. Housing Development Finance
Corporation Ltd (HDFL Ltd.),
Rep. by its Authorized Officer, S.M.Saravanan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order issued by the Learned Chief Judicial Magistrate, Madurai in Cr.M.P.No. 218 of 2023 dated 27.03.2023 for taking physical possession over the Mortgage property and quash the same on the ground that the same is arbitrary, illegal .

For Petitioner : Mr.P.Krishnasamy



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For Respondents : Mr.M.Karthikeya Venkatachalapathy for R1
Mr.N.S.Karthikeyan for R2

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. Mr.M.Karthikeya Venkatachalapathy, learned counsel takes notice for the first respondent and Mr. N.S.Karthikeyan, learned counsel takes notice for the second respondent – Finance Corporation.

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

4. Challenging the order dated 27.03.2023, passed by the learned Chief Judicial Magistrate, Madurai, the petitioner has come forward with this writ



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petition.

5. Learned counsel appearing for the second respondent – bank would submit that the amount due as on today is at Rs.69,48,771/- (Rupees Sixty Nine Lakhs Forty Eight Thousand Seven Hundred and Seventy One only).

6. Considering the fact that the petitioner offers to liquidate the entire debt, if sometime is granted to him, the writ petition is disposed of with the following directions:

- (i) The second respondent – Bank shall defer further proceedings pursuant to the impugned order dated 27.03.2023, passed in Cr.M.P.No.218 of 2023, by the learned Chief Judicial Magistrate, Madurai District, if the petitioner pays a sum of Rs.19,48,771/- (Rupees Nineteen Lakhs Forty Eight Thousand Seven Hundred and Seventy One only) of the amount outstanding to the respondent – Bank, on or before 31.05.2023.



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- (ii) The petitioner shall pay the balance amount in four equated monthly installments commencing from 31.06.2023. The monthly instalments shall be paid on or before 15th of every succeeding month.
- (iii) The interest payable for the interregnum period and the cost incurred by the respondent – Bank so far shall be paid by the petitioner along with the last installment.
- (iv) The second respondent – Bank can proceed further, if there is a default on the part of the petitioner in making the payments as directed above.

No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : No
Index : No
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