



W.P.(MD)No.10732 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.07.2023

CORAM

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P(MD)No.10732 of 2023

and W.M.P. (MD) No.9449 of 2023

G.R.T.Thangapandian

... Petitioner

Vs.

1.The Chief Judicial Magistrate,
District Court Buildings,
Madurai.

2.The Authorized Officer,
Catholic Syriyan Bank Ltd.,
Asset Recovery Branch,
2nd Floor, Siva Complex,
54, Old Post Office Road,
Coimbatore.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the 2nd respondent to de seal and restore the possession of the landlord premises in New Door No.42, T.S.No.379, Velliambala Street, Madurai Town, by considering the petitioner's representation dated 24.03.2023.

For Petitioner

: Mr.A.B.Jeeva



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For 2nd Respondent : Mr.S.Babu

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

The Writ Petition is filed for issuance of a Writ of Mandamus, directing the 2nd respondent to de-seal and restore the possession of the landlord premises in New Door No.42, T.S.No.379, Velliambala Street, Madurai Town.

2. The grievance of the petitioner is that there is a huge difference between the actual liability and the outstanding as per the statement of accounts.

3. Considering the grievance expressed by the petitioner and the fact that the petitioner has already availed the alternative remedy by filing SARFAESI Application before the Debts Recovery Tribunal, Madurai, this Court is inclined to passed the following order:-

(i) The petitioner is permitted to make a representation within a period of two weeks from today for waiver of penal interest or for One Time Settlement or for restructuring the loan or for any other



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concession, as may be permissible under the guidelines of Reserve Bank of India or the norms applicable to the respondent bank.

(ii) The respondent bank shall consider the same and pass appropriate orders in accordance with law.

(iii) Till such time, the respondent bank consider the representation of the petitioner on merits and communicate the decision taken to the petitioner, the respondent bank shall not initiate any coercive action against the petitioner.

(iv) In the meanwhile, it is also open to the petitioner to prosecute the SARFAESI Application he has filed before the Debts Recovery Tribunal in the manner known to law.

4. The Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.S.S.R., J.] [D.B.C., J.]
19.07.2023

NCC : Yes / No
Index : Yes / No
sj



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S.S.SUNDAR, J.

and

D.BHARATHA CHAKRAVARTHY, J.

sj

To

1.The Chief Judicial Magistrate,
District Court Buildings,
Madurai.

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