



**W.P.(MD) No.10861 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.10861 of 2023**

**and**

**W.M.P (MD) No.9520 of 2023**

M.Sudhandrakumar

... Petitioner

**-VS-**

1.The Authorised Officer,  
Bank of India,  
Branch office at Madurai Branch,  
No.9, East Avani Moola Street,  
Madurai – 625 001.

2.The Chief Manager,  
Bank of India,  
Madurai Branch,  
East Avani Moola Street,  
Madurai.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed in Cr.M.P.No.1322 of 2022 dated 19.09.2022 passed by the Chief Judicial



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Magistrate – Madurai and quash the same as illegal.

For Petitioner : Mr.A.Joseph Jerry

For Respondents : Mr.M.Senthil Kumar

### **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.Senthil Kumar, learned counsel, takes notice for the respondent – Bank.

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 19.09.2022, passed by the learned Chief Judicial Magistrate, Madurai, the petitioner has come forward with this writ petition.



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5. 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) We stay all further proceedings pursuant to the order dated 19.09.2022, if the petitioner pays a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the respondent – Bank, on or before 31.05.2023.
- (ii) The remaining amount of Rs.7,00,000/- (Rupees Seven Lakhs only) shall be paid by the petitioner in three equated monthly installments commencing from 30<sup>th</sup> June, 2023. The monthly installments shall be paid on or before 30<sup>th</sup> of every succeeding month.
- (iii) The interest that accrues in the interregnum and the cost of the sale shall be paid along with the last installment.
- (iv) If there is a default in payment as directed above, the respondent – Bank can proceed further to take



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possession of the secured asset as well as for recovery  
of the amount due.

No costs. Consequently, connected miscellaneous petition is closed.

**[R.S.M., J.]                      [L.V.G., J.]**

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NCC : No  
Index : No  
Internet : Yes  
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**R.SUBRAMANIAN, J.**  
**AND**  
**L.VICTORIA GOWRI, J.**

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