



W.P.(MD) No.11985 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.05.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE Mrs.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.11985 of 2023
and WMP(MD) No.10345 of 2023**

Kannan

... Petitioner

-VS-

M/s.Shriram City Union Finance Limited
Through its Authorized Officer,
D.Shanmugavadivelu
No.123 Angappa Naicken Street,
Chennai 600 001.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the entire records pertaining to the order passed by the learned Chief Judicial Magistrate, Kumbakonam, at Thanjavur made in CrI.M.P.No.20 of 2023 dated 30.01.2023 and quash the same as illegal and arbitrary.



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For Petitioner : Mr.R.Alagumani

For Respondents : Mr.J.Barathan

ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

This writ petition has been filed challenging the order passed by the Chief Judicial Magistrate, Kumbakonam, at Thanjavur, in Crl.M.P.No.20 of 2023 dated 30.01.2023.

2.Learned counsel for the petitioner submitted that the petitioner is having only a residential house, which cannot be brought for sale inasmuch as the respondent has obtained an order from the Chief Judicial Magistrate, Thanjavur in Crl.M.P.No.20/2023.

3. Since the respondent has obtained an order under Section 14 of the SARFAESI Act, on 30.01.2023, after issuing notice under Sections 13(2) and 13(4) of the said Act, on 18.03.2022 and 24.09.2022 respectively, we pass the following order:



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4. It is seen that the outstanding amount as per the respondent as on 16.03.2022 is Rs.27,48,000/-. Therefore, the petitioner is directed to pay 50% thereof, namely, 25% within a period of two weeks and another 25% within a period of two weeks thereafter. Needless to mention that if the petitioner makes any default, the respondent is at liberty to proceed in accordance with law.

5. Accordingly, the writ petition is disposed of. However, there shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

NCC : Yes / No
RR

[T.R., A.C.J.] [L.V.G, J.]
18.05.2023



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THE HON'BLE THE ACTING CHIEF JUSTICE
and
L.VICTORIA GOWRI, J.

RR

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