



W.P(MD)No.13270 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

W.P(MD)No.13270 of 2022

and

W.M.P(MD)Nos.9419 and 9421 of 2022

1. M.Karthikeyan

2. Vetri Selvi

... Petitioners

vs.

1. The Debts Recovery Tribunal
IV Floor, Kalyani Tower,
Melur Road, Madurai.

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

3. Jana Small Finance Bank Limited,
Rep. by its Authorised Officer N.Vinoth,
No.10, Krishnapuram Colony Main Road,
Mahatma Gandhi Nagar,
Madurai-625014.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records pertaining to the Impugned possession Notice of the 3rd Respondent dated 28.04.2022 and the consequential order passed by the 2nd Respondent dated 01.06.2022 made in Cr.M.P.No.527 of 2022 under section 14 of the SARFAESI Act 2002 and quash the same.



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For Petitioners : Mr.S.Suresh
For R1 : Mr.V.Malaiyendran
Central Government Standing Counsel
For R3 : Mr.S.Babu

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ORDER

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

The petitioners have challenged the notice of possession and the consequential order passed by the Chief Judicial Magistrate purportedly under Section 14 of the SARFAESI Act.

2. The Co-ordinate Bench of this Court on 27.06.2022 has directed the petitioners to deposit a sum of Rs.3,50,000/- on or before 25.07.2022 and a further sum of Rs.3,00,000/- on or before 28.08.2022 and granted protection to the petitioners. It is submitted that the petitioners have complied with the said order. It is recorded by the Court in the said order that as on 07.09.2021, the amount of Rs.24,54,842.56/- was the outstanding. More than two years have lapsed thereafter. The interest must have been added.

3. Learned counsel for the petitioners submits that the petitioners would pay the amount by instalments.



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4. Learned counsel for the respondent No.3/Bank submits that the petitioners are required to pay the amount in lumpsum.

5. Considering the fact that on 27.06.2022, conditional interim order was passed and the petitioners have complied with the said order, we pass the following order:-

(i) The petitioners shall deposit the amount of Rs.5,00,000/- every month till they clear the entire outstanding amount.

(ii) The last instalment shall be with regard to the balance amount payable.

(iii) The first instalment shall be paid on or before 25.09.2023 and the remaining instalments shall be paid on or before the 25th day of succeeding months.

(iv) In case, the petitioners deposit the amount as directed above, then the respondent No.3 shall not proceed further under the provisions of the SARFAESI Act.

(vi) If any one default is committed of payment of instalments, then the respondent No.3 is at liberty to proceed ahead with the further actions under the provisions of the SARFAESI Act.



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6. The Writ Petition is accordingly disposed of. No costs.

W.M.P(MD)No.9419 of 2022 filed to permit the petitioners to file a single writ petition is allowed and disposed of, as they have paid separate sets of court fee. W.M.P.No.9421 of 2022 is closed.

[S.V.G., C.J.]

[C.K., J.]

01.09.2023

Index : Yes / No
Neutral Citation : Yes / No
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To

1. The Registrar,
Debts Recovery Tribunal
IV Floor, Kalyani Tower,
Melur Road, Madurai.

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



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THE HONOURABLE CHIEF JUSTICE
and
C.KUMARAPPAN, J.

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