



W.P(MD)No.12585 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.08.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)No.12585 of 2023
and
W.M.P(MD)Nos.10630 and 10631 of 2023**

S.A.Siddiq Mohamed

... Petitioner

-VS-

The Authorised Officer,
Karur Vysya Bank,
K.K Nagar Branch,
No.1, Mangammal Salai,
K.K Nagar, Trichy-1.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the order passed by the Learned Chief Judicial Magistrate, Pudukottai, in Cr.M.P.No.30 of 2023 dated 20.01.2023 and quash the same as illegal, consequently directing the respondent to extent the OTS scheme in respect of the petitioner's dues with respect to loan account No. 1287280000000048.

For Petitioner
For Respondent

: Mr.T.Lenin Kumar
: Mr.Mada Alexandar



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ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

Challenge in this writ petition is to the order passed by the learned Chief Judicial Magistrate, Pudukottai, in CrI.M.P.No. 30 of 2023, dated 20.01.2023 in the application filed by the respondent Bank under Section 14 of the SARFAESI Act.

2. On 21.06.2023, this Court passed the following order:-

"The order made by the learned Chief Judicial Magistrate, Sivagangai, dated 20.01.2023, made in Cr.M.P.No.30 of 2023 under Section 14 of the SARFAESI Act, 2002, is under challenge. 2. The learned counsel appearing for the petitioner would submit that the bank had agreed for the One Time Settlement proposal offered by the petitioner to pay a sum of Rs.25,00,000/- in full and final settlement of the loan amount. Though the petitioner paid a sum of Rs.3,00,000/- on or before 22.08.2022, he could not pay the balance amount of Rs. 22,00,000/- on or before 31.10.2022. In evidence of such acceptance, the petitioner has also produced a letter dated 07.09.2022.

3. In such factual background, we find that the petitioner should be given an opportunity to discharge



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the entire loan and redeem his property. Hence, the further proceedings pursuant to the order of the Chief Judicial Magistrate will stand stayed if the petitioner pays a sum of Rs.22,00,000/- on or before 15.08.2023, failing which, the stay granted will stand automatically vacated.

4. Issue notice to the respondent, returnable by 12.07.2023."

3. Now the learned counsel for the petitioner states that the petitioner has paid the entire amount as per the aforesaid order and therefore, nothing survives in the writ petition for further adjudication.

4. Recording the above submission of the learned counsel for the petitioner, this Writ Petition is closed. No costs. Connected miscellaneous petitions are closed.

[S.S.S.R, J.] [D.B.C., J.]
16.08.2023

Index : Yes / No
Neutral Citation : Yes / No
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and
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