



W.P(MD)No.12657 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2023

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE C.KUMARAPPAN**

W.P(MD)No.12657 of 2023

and

W.M.P(MD)No.10688 of 2023

1.M.Balasubramaniyan

2.Kalaiselvi

... Petitioners

Vs.

1.The Authorized Officer,
Jana Small Finance Bank Limited,
Regional Office,
28/36, First Floor,
South West Boag Road,
T.Nagar, Chennai – 600 017.

2.The Branch Manager,
Jana Small Finance Bank Limited,
No.74, Lucky Land Plaza,
Salai Road,
Thillai Nagar,
Tiruchirappalli – 620 018.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari to call for the records pertaining to the orders passed by the learned Chief Judicial Magistrate, Pudukkottai, in



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CrI.M.P.No.1035 of 2022 on 25.11.2022 and quash the same as illegal and arbitrary.

For Petitioners : Mr.B.Sekar

For Respondents : Mr.S.Babu

ORDER

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

We have heard Mr.B.Sekar, learned counsel for the petitioners and Mr.S.Babu, learned counsel for the respondents.

2. The petitioners are challenging the action under Section 14 of the SARFAESI Act, 2002.

3. One of the contentions raised by the learned counsel for the petitioners is that the property mortgaged is bearing No.680/2H, whereas the bank has locked and sealed the property bearing No.680/2J. The learned counsel submits that the petitioners are ready to pay the amount. However, seeks some time.



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4. The learned counsel for the bank submits that the property mortgaged is bearing No.680/2J only. Title deed deposited also is in respect of the property bearing No.680/2J.

5. The petitioners have shown their readiness to deposit the amount. In view of that, we pass the following order:

“(i) The petitioners deposit a sum of Rs.5,00,000/- within two weeks from today. If the petitioners deposit the said amount, the respondent bank may open the lock and seal and allow the petitioners to re-enter the said property. The petitioners shall pay the remaining amount within three months thereafter.

(ii) In case the petitioners deposit the first installment of Rs.5,00,000/- and are delivered with the possession of the property and subsequently, default is committed by the petitioners, the respondent bank will have a right to again go for possession of the property.



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6. The writ petition is accordingly disposed of. No Costs.

Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(C.K., J.)

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NCC : Yes/No
Index : Yes/No

PM

To:

The Chief Judicial Magistrate,
Pudukkottai.



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THE HON'BLE CHIEF JUSTICE

and

C.KUMARAPPAN, J.

PM

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