



W.P(MD)No.14390 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.14390 of 2022
and
W.M.P(MD)No.10284 of 2022**

A.Pandiarajan

... Petitioner

VS.

- 1.The Authorized Officer,
Indian Bank,
Zonal Office,
100-101, East Avani Moola Street,
Madurai – 625 001.
- 2.The Chief Judicial Magistrate Court,
Madurai District,
Madurai.
- 3.The Debts Recovery Tribunal – Madurai,
Represented by the Registrar,
III & IV Floor, Kalyani Towers,
4/162, Madurai – Melur Road,
(Near Meenakshi Mission Hospital),
Uthangudi Post,
Madurai – 625 107.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorari, to call for the records relating to



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the impugned order dated 11.04.2022 made in Crl.M.P.No.254 of 2022 passed by the second respondent and quash the same.

For Petitioner : Mr.V.Veerapandian
for M/s.Vast Law Associates

For R – 1 : Mr.Suresh Isaac Paul

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition seeking for issuance of a Writ of Certiorari, to quash the impugned order dated 11.04.2022 made in Crl.M.P.No.254 of 2022 passed by the second respondent.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Since the Debts Recovery Tribunal, Coimbatore is in charge of the Debts Recovery Tribunal, Madurai and the said Debts Recovery Tribunal, Madurai is functioning only every Friday and taking up urgent matters, at that time, the petitioner has filed the present Writ Petition.



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4. According to the petitioner, he has availed of a loan for running a poultry farm. Due to heavy rain, the entire poultry farm has been damaged and the petitioner was not able to pay the amount to the first respondent Bank.

5. Further, it is the contention of the petitioner that the petitioner has already filed an application in S.A.No.21 of 2016 before the Debts Recovery Tribunal, Madurai challenging the E-auction sale notice, dated 19.12.2015 and the Tribunal, by order dated 20.01.2016 granted conditional interim order directing the petitioner to pay a sum of Rs. 1,03,000/- to the first respondent Bank on or before 22.02.2016 as first instalment and another sum of Rs.1,03,000/- on or before 21.03.2016 as the second instalment. Since the conditional interim order has been complied with, the stay granted on 20.01.2016 was made absolute. In the meantime, the present impugned order under Section 14 of the SARFAESI Act has been issued by the second respondent. Challenging the same, the petitioner has filed the present Writ Petition.



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6.When the matter came up for hearing on 06.07.2022, this Court granted an order of interim stay on condition that the petitioner pays a sum of Rs.1,25,000/- to the first respondent Bank on or before 08.08.2022 and a further sum of Rs.1,25,000/- on or before 08.09.2022.

7.According to the petitioner, the conditional interim order dated 06.07.2022 passed by this Court, has been complied with.

8.The learned counsel appearing for the first respondent Bank submitted that if the petitioner submitted any proposal to settle the entire outstanding amount under the One Time Settlement scheme, the same shall be considered by the first respondent Bank in accordance with RBI norms.

9.Considering the submissions made on either side, we direct the Debts Recovery Tribunal, Madurai to dispose of the application in S.A.No.21 of 2016 on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order. Till such time, the impugned order dated 11.04.2022 made in Crl.M.P.No.254 of 2022 passed by the second respondent shall be kept in abeyance. It is open to



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the petitioner to approach the first respondent Bank under the One Time Settlement scheme.

10.With the above directions, this Writ Petition is disposed of.

No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
06.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

To

- 1.The Authorized Officer,
Indian Bank, Zonal Office,
100-101, East Avani Moola Street,
Madurai – 625 001.
- 2.The Chief Judicial Magistrate Court,
Madurai District, Madurai.
- 3.The Debts Recovery Tribunal – Madurai,
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D.KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.14390 of 2022

DATED : 06.02.2023