



W.P.(MD) No.13333 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.13333 of 2023
and
W.M.P.(MD) Nos.11243 and 11245 of 2023**

R.Mari

... Petitioner

-VS-

The Authorized Officer,
Tamilnadu Grama Bank,
Regional Office,
1/485, Melur-Okkur Main Road, Piravalur,
Sivagangai- 630 557.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the Chief Judicial Magistrate, Sivagangai in his order in Crl.M.P.No. 2686 of 2023 dated 24.03.2023 and quash the same as devoid of merits and consequently directing



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the respondent not to take the possession of the petitioners property in Old natham Survey Number 273 (Part), New Survey No. 273/10, New Survey No. 433/10, Selkalathur Village, Manamadurai Taluk, Sivagangai District.

For Petitioner : Mr.Eshwar

For Respondents : Mr.N.Dilip Kumar
Standing Counsel

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

In view of the fact that the Debts Recovery Tribunal, Madurai, is not manned, we are entertaining this writ petition.

2. Mr.N.Dilip Kumar, learned Standing Counsel, takes notice for the respondent – Bank.

3. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.



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4. The order dated 24.03.2023, passed by the learned Chief Judicial Magistrate, Sivagangai, appointing an Advocate Commissioner is the subject matter of challenge in the writ petition.

5. According to the learned counsel for the respondent – Bank, the amount due is Rs.11,75,100/- (Rupees Eleven Lakhs Seventy Five Thousand and Hundred only). He would further point out that while the petitioner resisting the attempt of the bank while taking possession of the property has given an undertaking that he would pay the entire loan amount by 07.06.2023.

6. The learned counsel for the petitioner would however seeks some more time to pay the entire loan amount.

7. Considering the fact that the secured asset is a dwelling house and the amount due is Rs.11,75,100/- (Rupees Eleven Lakhs Seventy Five Thousand and Hundred only), we are of the opinion that the petitioner should be given an opportunity to discharge the loan and save his property. The writ petition is disposed of with the following directions:



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- (i) The petitioner shall pay a sum of Rs.1,75,100/- (Rupees One Lakh Seventy Five Thousand and One Hundred only) to the respondent – Bank, on or before 07.07.2023.
- (ii) The remaining amount of Rs.10,00,000/- (Rupees Ten Lakhs only) shall be paid by the petitioner in five equated monthly installments commencing from 07th August, 2023. The monthly installments shall be paid on or before 07th of every succeeding month.
- (iii) The interest that accrues in the interregnum and the cost of the sale shall be paid along with the last installment.
- (iv) If there is a default in payment as directed above, the respondent – Bank can proceed further to take possession of the secured asset as well as for recovery of the amount due.



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WEB COPY No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.] [L.V.G., J.]

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NCC : No
Index : No
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