



W.P.(MD) No.14277 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

CORAM:

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

**W.P.(MD) No.14277 of 2023
and
W.M.P.(MD) No.12077 of 2023**

1.R.Pappa

2.R.Kaleeswaran

... Petitioners

-vs-

The Authorized Officer
Canara Bank
Thirupattur Road
Devakottai
Sivagangai District

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records of the impugned notice dated 25.04.2023, passed by the respondent and quash the same as illegal.

For Petitioners : Mr.S.Nihar Ali

For Respondent : Mr.V.S.Karthi



WEB COPY

W.P.(MD) No.14277 of 2023

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.V.S.Karthi, learned 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.

4. The possession notice, dated 25.04.2023, issued by the respondent – Bank, is under challenge in this writ petition.

5. It is also learnt that there is an auction notice, where there is a proposal to auction the secured asset on 21.07.2023.



W.P.(MD) No.14277 of 2023

WEB COPY

6. Considering the fact that the secured asset is a residential house, we find that the petitioners should be given an opportunity to discharge the loan and save their property. Hence, the writ petition is disposed of with the following directions:

- (i) The petitioners shall pay a sum of Rs.3,43,479/- (Rupees three lakhs forty three thousand four hundred and seventy nine only) to the respondent – Bank on or before 20.07.2023.
- (ii) On such payment, the respondent – Bank will not further proceed with the sale or with taking possession of the secured asset.
- (iii) The balance amount of Rs.6,00,000/- (Rupees six only) shall be paid by the petitioners in four equated monthly installments commencing from August, 2023. The monthly instalments shall be paid on or before 20th of every succeeding month.
- (iv) The interest payable for the interregnum period and the other expenses shall be paid by the petitioners along with the last installment.



W.P.(MD) No.14277 of 2023

WEB COPY

- (v) 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.

No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

19.06.2023

(2/2)

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk



WEB COPY



W.P.(MD) No.14277 of 2023

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

krk

W.P.(MD) No.14277 of 2023
and
W.M.P.(MD) No.12077 of 2023

19.06.2023

(2/2)