



W.P.(MD) No.14330 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.14330 of 2023
and
W.M.P.(MD) No.12140 of 2023**

1.Malaiarasan
2.Valarmathi

... Petitioners

-VS-

1. The Chief Judicial Magistrate,
Madurai.
2. The Authorized Officer,
Canara Bank, Thirunagar Branch, Madurai.
3. The Branch Manager,
M/s. Canara Bank, Thirunagar Branch,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed in CrI.M.P.No. 339/2023 dated 29.05.2023 based on the



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application filed by the second respondent bank under Section 14 of SARFASI Act, 2002 and quash the same as illegal and consequently direct the second and third respondents to follow the process of law in evicting the petitioner herein situated Madurai District, Madurai North Regn. District, Melur Taluk, Thamaraipatti Sub Registry, No. 59, Narasingampatti Village, Door No. 2/369, Old RS No. 131/1 (Part) New RS No. 707/21 measuring 0.00.79.0 acres.

For Petitioners : M/s.W.Pamelin

For Respondents : Mr.V.S.Karthi

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 Standing Counsel, takes notice for the respondents 2 and 3 – Bank. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.



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3. The order passed by the learned Chief Judicial Magistrate, Madurai, under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is the subject matter of challenge in the writ petition. Learned counsel appearing for the bank would submit that the sale has been notified on 23.06.2023.

4. Considering the fact that the secured asset is a dwelling house and the learned counsel appearing for the petitioners would plea that the petitioners would be in a position to discharge the entire debt and redeem the property, if he is given some time, the writ petition is disposed of with the following directions:

- (i) The respondent – Bank shall proceed with the sale, but it shall not confirm the sale, if the petitioners pay a sum of Rs.3,26,005.43/- (Rupees Three Lakhs Twenty Six Thousand Five Rupees and Forty Three Paise only) to the respondent – Bank, on or before 20.07.2023.



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- (ii) The remaining amount of Rs.12,00,000/- (Rupees Twelve Lakhs only) shall be paid by the petitioners in six equated monthly installments commencing from 20th August, 2023. The monthly installments shall be paid on or before 20th 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 to confirm the sale and further to take possession of the secured asset as well as for recovery of the amount due.

No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : No
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To:

1. The Chief Judicial Magistrate,
Madurai.



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