



W.P(MD)No.15091 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P(MD)No.15091 of 2023
and
W.M.P(MD)No.12696 of 2023**

M.Balan Armstrong

... Petitioner

-VS-

1. The Chief Manager,
Union Bank of India,
Asset Recovery Branch,
Madurai.

2. The Bank Manager,
Union Bank of India
(Former Andhra Bank)
Cantonment Branch,
26, Warners Road,
Trichy - 625 001.

... Respondents

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 impugned order of the Chief Judicial Magistrate, Trichy in Cr.M.P.No.11270/2021 dated 20.05.2022 in respect of house



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property in Door No.4/241, Survey No.125/7A an extent of 5232 Sq.fts in Reddy Mangudi Post, Lalgudi Taluk, Trichy District and quash the same as devoid of merits consequently direct the respondents not to take physical possession of house property in Door No.4/241, Survey No.125/7A an extent of 5232 Sq.fts in Reddy Mangudi Post, Lalgudi Taluk, Trichy District and to accept OTS proposal amount of Rs.23,55,007.43 as per the respondent's proposal dated 25.05.2023 and for other such reliefs within the period as stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen
For R1 & R2 : Mr.V.Balasubramanian

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

This Court finds that the petitioner challenges the order passed by the learned Chief Judicial Magistrate, Trichirappalli, in the application filed by the Bank under Section 14 of the SARFAESI Act. Despite this Court granted an interim order subject to conditions, the petitioner is unable to comply with the conditions. Therefore, this Court finds no *bona fides* in this writ petition.



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2. In these circumstances, the Writ Petition is dismissed with liberty to the petitioner to approach the Debts Recovery Tribunal. No costs. Connected miscellaneous petitions are closed.

[S.S.S.R, J.] [D.B.C., J.]
19.07.2023

Index : Yes / No
Neutral Citation : Yes / No
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and
D.BHARATHA CHAKRAVARTHY, J.

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