



W.P(MD)No.16543 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.16543 of 2022
and
W.M.P(MD)No.11956 of 2022**

1.A.Sudhagar
2.Rajathi

... Petitioners

vs.

1.The Chief Judicial Magistrate,
Pudukottai District.

2.The District Collector,
Pudukottai District.

3.The Authorized Officer,
Manapuram Home Finance Limited,
Kanakia Wall Street,
'A' Wing, 3rd Floor,
Andheri Kurla Road,
Andheri East, Mumbai,
Maharashtra – 400 093.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the first respondent/the Judicial Magistrate Court, Pudukottai in Cr.M.P.No.10 of 2022, dated

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WEB COPY 20.06.2022 and quash the same as illegal and consequently, direct the third respondent to accept the One Time Settlement (OTS) with six instalments and also direct not to attach the petitioners' dwelling house.

For Petitioners : Mr.S.Arivalagan
For R – 2 : Mr.M.Sarangan
Additional Government Pleader
For R – 3 : Mr.M.Senthil Kumar

ORDER

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

The prayer in this Writ Petition is seeking for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed by the first respondent/the Judicial Magistrate Court, Pudukottai in Cr.M.P.No.10 of 2022, dated 20.06.2022 and consequently, direct the third respondent to accept the One Time Settlement (OTS) with six instalments and also direct not to attach the petitioners' dwelling house.

2.At the time of admission, this Court by order, dated 27.07.2022, granted an order of interim stay on condition that the



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petitioners shall pay a sum of Rs.4,00,000/- to the third respondent Bank and the said interim order has been complied with by the petitioners.

3.At this stage, the learned counsel appearing for the petitioners seeks liberty to approach the Bank for settling the entire outstanding amount either under the One Time Settlement scheme or any other offer made by the third respondent Bank. The learned counsel further submitted that the petitioners have already approached the third respondent Bank for settling the entire outstanding amount under the One Time Settlement scheme and therefore, the learned counsel appearing for the petitioners seeks interim protection for a period of four weeks.

4.Considering the said fact, the interim order granted by this Court on 27.07.2022, shall be in force for a period of four weeks from the date of receipt of a copy of this order. The third respondent is directed to consider the proposal submitted by the petitioner and pass appropriate orders. If there is no agreement for the One Time Settlement, the respondent Bank may proceed further in accordance with law.



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5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [L.V.G.,J.]
21.02.2023
(2/2)

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

To

1. The Chief Judicial Magistrate,
Pudukottai District.
2. The District Collector,
Pudukottai District.
3. The Authorized Officer,
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Kanakia Wall Street,
'A' Wing, 3rd Floor,
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D. KRISHNAKUMAR,J.
and
L.VICTORIA GOWRI,J.

ps

ORDER MADE IN
W.P(MD)No.16543 of 2022

DATED : 21.02.2023
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