



**W.P.(MD) No.15362 of 2023**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 27.06.2023**

**CORAM:**

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

**W.P.(MD) No.15362 of 2023**

**and**

**W.M.P.(MD) Nos.12954, 12955 & 12956 of 2023**

M.Abubucker

... Petitioner

-VS-

1.The Authorized Officer  
Axis Bank Limited  
Loan Center  
4<sup>th</sup> Floor, Arcot Plaza  
Old No.38, New No.165  
Arcot Road, Kodambakkam  
Chennai-600 024

2.The Branch Manager  
Agree Loan  
Axis Bank Thenkasi Branch  
Thenkasi Main Road  
Rajapalayam  
Virudhunagar District

3.Mohammedali

... Respondents



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**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, calling for the records of the impugned order passed by the learned Chief Judicial Magistrate, Tirunelveli, in Cr.M.P.No.19376 of 2022, dated 14.03.2023 and quash the same as illegal and consequently direct the respondents to handover the key of the house property situated in Door No.37, Ward No.5, M.K.T.Middle Street, Vasudevanallur, Tenkasi District.

For Petitioner : Mr.A.Mohamed Hashim

For Respondent : Mr.P.Pethu Rajesh for R1 & R2

### **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.P.Pethu Rajesh, learned counsel, takes notice for the respondent - Bank.



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**3.** Considering the limited scope of the prayer sought for in this writ petition, notice to the private respondent, namely, the debtor is deemed unnecessary.

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

**5.** Challenge in this writ petition is to the order dated 14.03.2023, passed in Cr.M.P.No.19376 of 2022, by the learned Chief Judicial Magistrate, Tirunelveli, under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

**6.** It is stated that the respondent – Bank has already taken possession of the secured asset.

**7.** The petitioner being a guarantor offers to settle the entire due.

**8.** Learned counsel for the petitioner would submit that the petitioner would offer Rs.3,00,000/- (Rupees three lakhs only) immediately.



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**9.** Considering the circumstances, this writ petition is disposed of with the following directions:

- (i) The petitioner is to pay a sum of Rs.3,00,000/- (Rupees three lakhs only) to the respondent – Bank, by 15.07.2023.
- (ii) The petitioner can make a representation to the respondent – Bank, which will be considered by them sympathetically, considering the fact that the petitioner is a guarantor and the respondent – Bank shall communicate its decision to the petitioner, within ten days from the date of decision.
- (iii) If the settlement proposal is not accepted, the petitioner will pay the balance amount of Rs.13,95,351/- (Rupees thirteen lakhs ninety five thousand three hundred and fifty one only) along with subsequent interest and costs in three equal monthly installments commencing from 01.08.2023.



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- (iv) The respondent – Bank shall not proceed further, if the petitioner complies with the payment terms as directed above.
- (v) If the petitioner fails to comply with the above payment terms, the respondent – Bank can proceed further in accordance with law.

No costs. Consequently, connected miscellaneous petitions are closed.

**[R.S.M., J.]**

**[L.V.G., J.]**

**27.06.2023**

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

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To:  
The Chief Judicial Magistrate,  
Tirunelveli.



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

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