



W.P(MD)No.17439 of 2022

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

**DATED : 30.01.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR  
and  
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.17439 of 2022**

1.J.Senthilkumaran  
2.S.Ponnarasi Senthilkumaran ... Petitioners

vs.

M/s.IDFC First Bank Limited,  
Represented by its Authorized Officer,  
C.Kannan,  
S/o.L.Chandramani,  
No.79/2, 1<sup>st</sup> Floor, Raja Barley Complex,  
Bypass Road,  
Near Rathina Hospital,  
Madurai. ... Respondent

**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 pertaining to the impugned order in Cr.M.P.No.403 of 2020 dated 20.12.2021 issued by the learned Chief Judicial Magistrate, Madurai and quash the same and consequently restore the petitioner's possession in respect of immovable property including the residential building with an extent of 8.25 cents situated in R.S.No.366/7A and S.No.366/8A, Kallivelipatti Village, Vadipatti Taluk, Madurai District and quash the same as illegal.

**1/5**



**W.P(MD)No.17439 of 2022**

WEB COPY

For Petitioners : Mr.K.Navaneetharaja

For Respondent : Mr.A.Sivasubramanian

**ORDER**

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

Challenging the order of the learned Chief Judicial Magistrate, Madurai, dated 20.12.2021 in Cr.M.P.No.403 of 2020, in the application filed by the respondent Bank under Section 14 of the SARFAESI Act, the present Writ Petition has been filed.

2.Today, when the matter was taken up for hearing, the learned counsel appearing for the petitioners filed an affidavit stating that the petitioners are ready to pay the outstanding due amount of Rs.17,80,621/- in six equated monthly instalments and on such repayment, the respondent Bank may be directed to restore the petitioners' possession in respect of the abovesaid property. Paragraph No.6 of the affidavit of the petitioners reads as follows:-



**W.P(MD)No.17439 of 2022**

WEB COPY

*"6... The petitioners are ready to pay the remaining outstanding due of Rs.17,80,621/- in six equated monthly instalments and direct the respondent Bank to grant six month time for repayment of entire dues and on such repayment, the respondent Bank may restore the possession in respect of immovable property including the residential building in R.S.No. 366/7A and S.No.366/8A, Kallivelipatti Village, Vadipatti Taluk, Madurai District."*

3.The learned counsel appearing for the respondent Bank also agreed for the same.

4.Considering the submissions made on either side, the petitioners are directed to pay the outstanding due amount in five consecutive equal monthly instalments. The first instalment shall be paid on or before 15.02.2023 and the subsequent four instalments shall be paid on or before 15<sup>th</sup> day of every English Calendar month until the entire payment is made. Till such time, no coercive steps shall be taken by the respondent. If the petitioners fail to pay the amount in any one of the instalments, the respondent Bank may proceed further in accordance with law. If the petitioner has complied with the said conditional order, the respondent Bank



**W.P(MD)No.17439 of 2022**

is directed to hand over the possession as well as MOD to the petitioners within a period of two weeks, thereafter, in accordance with law.

5.With the above directions, this Writ Petition is disposed of. No costs.

**[D.K.K.,J.] [R.V.,J.]**  
**30.01.2023**

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

To

C.Kannan,  
Authorized Officer,  
M/s.IDFC First Bank Limited,  
No.79/2, 1<sup>st</sup> Floor, Raja Barley Complex,  
Bypass Road,  
Near Rathina Hospital,  
Madurai.

**4/5**



WEB COPY



W.P(MD)No.17439 of 2022

**D. KRISHNAKUMAR,J.**  
**and**  
**R.VIJAYAKUMAR,J.**

ps

**ORDER MADE IN**  
**W.P(MD)No.17439 of 2022**

**DATED : 30.01.2023**