



WEB COPY



W.P.(MD)No.16091 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.16091 of 2023

and

W.M.P.(MD)Nos.13479 and 13480 of 2023

J.Rajalakshmi

... Petitioner

Vs.

The Authorized Officer,
IDBI Bank Limited,
Salai Road Branch,
No.57A, Ground Floor,
Rohini City Square, Salai Road,
Trichy-620 018.

...Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order in Cr.M.P.No.304 of 2022, dated 27.06.2023 passed by the learned Chief Judicial Magistrate, Trichy to quash the same as illegal.

For Petitioner : Mr.A.B.Jeeva



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ORDER

(Order of the Court was made by **S.VAIDYANATHAN, J.**)

The petitioner has filed this Writ Petition to quash the impugned order passed by the learned Chief Judicial Magistrate, Trichy, dated 27.06.2023 made in Cr.M.P.No.304 of 2022.

2.Challenging the order of the learned Chief Judicial Magistrate, dated 25.04.2022 passed in Cr.M.P.No.304 of 2022, the petitioner has filed a Writ Petition in W.P.(MD)No.12465 of 2022, wherein this Court, by an order dated 20.06.2022, has passed the following order:-

“4.Accordingly, there shall be an order of interim stay on condition that the petitioner deposits a sum of Rs.4,00,000/- (Rupees Four Lakhs Only) within a period of four weeks from today and a further sum of Rs.4,00,000/- (Rupees Four Lakhs Only) on or before 22.08.2022 directly to the respondent Bank. In case the petitioner fails to deposit any one of the instalments, the interim stay granted shall stand vacated automatically without further reference to this Court and it is open to the respondent to proceed further in accordance with law.”



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3.The said order is still in force. It is represented by the learned counsel for the petitioner that pursuant to the said order, the petitioner has paid the 1st instalment amount, however, he could not pay the 2nd instalment amount. Therefore, after having paid a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) the petitioner sought for extension of time to pay the balance amount by filing a petition in W.M.P.(MD)No.15135 of 2022. By that time the said extension of time petition got disposed of on 21.02.2023 by granting a month time, the amount has already been paid by the petitioner on 03.02.2023. It is further represented that the petitioner is suffering from cancer and she has already paid a sum of Rs. 8,00,000/-.

4.In view of the above, since this Court has already passed an order of interim stay of all further proceedings in Cr.M.P.No.304 of 2022, if any coercive action is taken by the Bank, it is open to the petitioner to bring it to the attention of the Bank or the Advocate Commissioner about the pendency of the Writ Petition mentioned supra. If they still violate, it is open to the petitioner to file a contempt before this Court. Therefore, we feel that when there is already an order in favour of the petitioner, there is no need for granting any relief in the present Writ



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Petition, which amounts to multiplicity of litigation. Accordingly, this Writ

Petition stands closed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.V.N., J.) & (D.B.C., J.)

04.07.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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D.BHARATHA CHAKRAVARTHY, J.

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