



W.P.(MD) No.16288 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2023

CORAM:

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

**W.P.(MD) No.16288 of 2023
and
W.M.P.(MD) No.13640 of 2023**

1.Manimekalai
2.A.Punniyamoorthy

... Petitioners

-VS-

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Thanjavur Taluk,
Thanjavur District.

3.M/s.Sundaram PNB Paribas Home Finance Ltd.,
Rep. by Power Agent cum Assistant Manager,
Legal (Receivables),
Mr.E.Lenin,
No.46, Whites Road,
Royapet,
Chennai – 600 014.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the order passed by the 2nd respondent in his proceedings in Na.Ka.No.7477/2018/A7 dated 29.06.2023 and quash the same.

For Petitioner : Mr.R.Paranjothi

For Respondents : Mr.J.K.Jeyaseelan
1 & 2 Government Advocate

For 3rd Respondent: Mr.Jerin Mathew

ORDER

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

Challenge in this writ petition is to the order passed by the 2nd respondent in his proceedings in Na.Ka.No.7477/2018/A7 dated 29.06.2023.

2. The proceedings in Na.Ka.No.7477/2018/A7 dated 29.06.2023, is a consequential order, pursuant to the order passed under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002. Without challenging the said proceedings, the subsequent notice issued pursuant to the order of this Court in W.P.(MD) No.



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16186 of 2018, which also resulted in a Contempt Petition in Cont.P.(MD) No. 934 of 2013, has been challenged in this Writ Petition.

3. The learned counsel for the petitioners would submit that the house, which is sought to be taken possession by the third respondent, is a dwelling house and they are willing to pay the amount to the third respondent by means of entering into One Time Settlement.

4. This Court cannot direct the third respondent to accept One Time Settlement and it is for them to take a decision. Since the petitioners have stated that they have totally deposited Rs.10,00,000/- (Rupees Ten Lakhs only) upto yesterday (05.07.2023), which includes Rs.4,00,000/- (Rupees Four Lakhs only) which has already been paid, we make it clear that if the parties are not going to arrive at the consensus, either by way of One Time Settlement or paying the entire amount, within a period of 10 days from today, the third respondent can proceed further in accordance with law and the second respondent is expected to cooperate with the third respondent, without prejudice to the right of the third respondent in the Contempt Petition.



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5. The Writ Petition stands disposed of with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.N., J.]

[D.B.C., J.]

06.07.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

SJ

To

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Thanjavur District,
Thanjavur.

2.The Tahsildar,
Thanjavur Taluk,
Thanjavur District.



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