



W.P(MD)No.19095 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2023

CORAM:

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

**W.P(MD)No.19095 of 2023
and
W.M.P(MD)Nos.15839 and 15843 of 2023**

C.Raju

... Petitioner

-VS-

1.The Chief Judicial Magistrate,
Kanyakumari District,
Nagercoil.

2.The Authorized Officer,
APTUS Value Housing Finance India Limited,
8B, Doshi Towers,
205, Poonamallee High Road,
Kilpauk, Chennai – 600 010.

3.The Branch Manager,
APTUS Value Housing Finance India Limited,
No.4/63, A4, Roses Complex,
Valiyakattuvelai, Pammam,
Marthandam Post,
Kanyakumari District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 15.06.2023 passed in CrI.M.P.No.7200 of 2023 on the file of the learned Chief Judicial Magistrate, Kanyakumari District at Nagercoil and quash the same and further directing the 3rd respondent financial institution to hand over the possession of the petitioner's house by



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removing the lock and seal affixed in Door No.57, Paruthikattuvelai, Thiruvithamcode Village, Kalkulam Taluk, Kanniyakumari District.

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For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.V.Sugumar
2 & 3 Standing Counsel

ORDER

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

The petitioner has filed this Writ Petition challenging the impugned order dated 15.06.2023 passed in CrI.M.P.No.7200 of 2023 by the learned Chief Judicial Magistrate, Kanyakumari District at Nagercoil and further to direct the 3rd respondent financial institution to hand over the possession of the petitioner's house by removing the lock and seal affixed in Door No.57, Paruthikattuvelai, Thiruvithamcode Village, Kalkulam Taluk, Kanniyakumari District.

2. Heard Mr.M.P.Senthil, learned counsel for the petitioner and Mr.V.Sugumar, learned Standing Counsel for the respondents 2 & 3.

3. Though this Court may not normally entertain a Writ Petition of this nature, however, having regard to the peculiar facts and circumstances of the case and the bonafides of the petitioner in coming forward to deposit a sum of Rs.3 Lakhs to handover the possession of the petitioner's house to



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him by removing the lock and seal affixed in Door No.57, Paruthikattuvelai, Thiruvithamcode Village, Kalkulam Taluk, Kanniyakumari District, this Court is inclined to entertain the Writ Petition.

4. Learned counsel for the petitioner has handed over a demand draft for a sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousands only), drawn on Tamil Nadu Grama Bank, Parvathipuram Branch, dated 24.07.2023, in favour of the respondent financial institution to the learned Standing Counsel for the respondent. Learned Standing Counsel for the respondent finance company acknowledged receipt of the same. Hence, the learned counsel for the petitioner seeks indulgence of this Court to direct the respondent financial institution to remove the lock and seal of the residential premises of the petitioner in Door No.57, Paruthikattuvelai, Thiruvithamcode Village, Kalkulam Taluk, Kanniyakumari District, on condition to pay a further sum of Rs.50,000/-.

5. Learned Standing Counsel appearing for the respondent financial institution though have serious objections for the same, he requests that the petitioner may be directed to pay a further sum in the near future so that the account can be regularised.

6. In the said circumstances, this Writ Petition is disposed of with the following directions:-



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(i) The respondent financial institution is directed to handover the possession of the petitioner's house by removing the lock and seal affixed in Door No.57, Paruthikattuvelai, Thiruvithamcode Village, Kalkulam Taluk, Kanniyakumari District, as and when the petitioner pay a further sum of Rs.50,000/- (Rupees Fifty Thousands only) without any unnecessary delay.

(ii) It is open to the petitioner to submit a representation to the respondent financial institution within a period of one week from the date of receipt of a copy of this order, either for waiver of penal interest or for One Time Settlement or for restructuring the loan or for any other concession, as may be permissible as per the guidelines of Reserve Bank of India or the norms applicable to the respondent financial institution.

(iii) The respondent financial institution shall consider the same and pass appropriate orders in accordance with law.

(iv) Till such time, the respondent financial institution consider the representation of the petitioner and communicate the decision taken to the petitioner, the respondent financial institution shall not initiate any coercive action against the petitioner.

No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

[S.S.S.R, J.]

[D.B.C., J.]

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Index : Yes / No

Neutral Citation : Yes / No

sj



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To

1.The Chief Judicial Magistrate,
Kanyakumari District,
Nagercoil.



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S.S.SUNDAR, J.
and
D.BHARATHA CHAKRAVARTHY, J.

sj

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