



W.P.(MD) No.21638 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.21638 of 2022

and

W.M.P.(MD) No.15773 of 2022

B.Kathiresan

... Petitioner

-VS-

1.The Regional Manager
Manappuram Home Finance Limited
Building Survey No.43/1B, 43
Kannadasan Main Street
Near Ponmeni Bus Stop
Madurai-625 010

2.The Branch Manager
Manappuram Home Finance Limited
Nagercoil Branch
Nagercoil-629 002
Kanniyakumari District

3.The Chief Judicial Magistrate
Kanniyakumari District at Nagercoil

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records on the file of the third respondent pertaining to its order passed in Criminal Miscellaneous Petition No.4859 of 2022 dated 24.06.2022 and quash the same as illegal and consequently direct the respondent 1 and 2 to reschedule the Equated Monthly Instalment (EMI) of Housing loan of the petitioner forthwith.

For Petitioner : Mr.S.Sivakumar

For Respondents : Tapal Returned for R1
Mr.M.Senthil Kumar
Standing Counsel for R2
Court - R3

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Challenging the order dated 24.06.2022, passed by the learned Chief Judicial Magistrate, Kanniyakumari District at Nagercoil, in Cr.M.P.No. 4859 of 2022, ordering to take possession of the secured asset, the petitioner has filed this writ petition.



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2. Today, when the matter was taken up for hearing, learned counsel appearing for the petitioner submitted that the petitioner is ready to approach the respondent – Finance Company for restructuring of his loan account, however, the respondent – Finance Company may be directed to consider the petitioner's request as per the norms of the Reserve Bank of India.

3. Learned Standing Counsel appearing for the respondent – Finance Company, on instructions, submitted that he has no objection for considering the above request of the petitioner.

4. In view of the above submissions, the petitioner is directed to submit a representation to the respondent – Finance Company seeking restructure of his loan account, within a period of two weeks from today and if the petitioner submits any such representation, the respondent – Finance Company is directed to consider the same, as per the norms of the Reserve Bank of India, as early as possible preferably within a period of four weeks thereafter. Till such time, interim order already granted by this Court on 16.09.2022 shall be in force.



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5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.]

[L.V.G., J.]

16.02.2023

Index : Yes / No

Internet : Yes / No

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To:

The Chief Judicial Magistrate,
Kanniyakumari District at Nagercoil.



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and
L.VICTORIA GOWRI, J.

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