



W.P(MD)No.19468 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2023

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE P.VADAMALAI**

W.P(MD)No.19468 of 2023

and

W.M.P(MD)Nos.16099 and 16100 of 2023

V.Chandran

... Petitioner

Vs.

1.M/s.Hinduja Housing Finance Limited (HHFL),
Tirunelveli Branch,
Rep. by the Area Legal Manager,
Office at No.2/3, GG Highhets, 2nd Floor,
Theni Main Road, Opp. TVS Industries,
Madurai – 625 018.

2.M.Ranjith

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari to call for the records pertaining to the impugned order in Cr.M.P.No.2939 of 2022, dated 12.09.2022 on the file of the learned Chief Judicial Magistrate, Theni and quash the same as illegal.

For Petitioner : Ms.M.Athilakshmi

For R-1 : Mr.Sivaraman



W.P(MD)No.19468 of 2023

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ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard Ms.M.Athilakshmi, learned counsel for the petitioner and Mr.Sivaraman, learned Standing Counsel for the first respondent.

2. On 11.08.2023, this Court had observed that though this Court is not inclined to entertain the writ petition, since the learned counsel for the petitioner states that the Presiding Officer of the Debts Recovery Tribunal, Madurai, is not in office for ten days, this Court is inclined to entertain the writ petition.

3. Upon the assurance given by the learned counsel for the petitioner that the petitioner is prepared to deposit a sum of Rs.6,00,000/- on or before 22.08.2023, this Court without prejudice to the contentions raised by the learned Standing Counsel for the first respondent, granted interim orders. The first respondent was also directed to hand over the key and possession of the property in question to the petitioner on deposit of a sum of Rs.6,00,000/- on or before 22.08.2023 and the matter was kept on 24.08.2023 for reporting compliance.



W.P(MD)No.19468 of 2023

4. The learned Standing Counsel for the respondent bank submits that the petitioner did not deposit the sum of Rs.6,00,000/- as undertaken. However, on the contrary, had forcibly entered into the subject property.

5. It is for the bank to take steps against such persons, who have taken the law in their hand. They may take whatever steps permissible under law.

6. Ms.M.Athilakshmi, learned counsel for the petitioner submits that today only, she has filed a memo of withdrawal. The same has to be preceded with the registered notice to the petitioner.

7. Be that as it may, as the petitioner has not complied with the assurance given before this Court to deposit the sum of Rs.6,00,000/-, the writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(P.V.M., J.)

28.08.2023

NCC :Yes/No
Index :Yes/No
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W.P(MD)No.19468 of 2023

THE HON'BLE CHIEF JUSTICE
and
P.VADAMALAI, J.

PM

W.P.(MD)No.19468 of 2023

28.08.2023