



W.P(MD)No.20003 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

**W.P(MD)No.20003 of 2023
and
W.M.P(MD)Nos.16500 & 16502 of 2023**

M.Jeya

... Petitioner

Vs.

Housing Development Finance Corporation Ltd.,(HDFC)
Rep by Authorized Officer,
S.M.Saravanan,
S/o.Mariappan,
No.406, Sakthi Sivam Plaza,
K.K.Nagar (East),
Madurai District.

.. Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the Learned Chief Judicial Magistrate Court, Madurai in CrI.M.P.No.194 of 2023 dated



W.P(MD)No.20003 of 2023

16.03.2023 and quash the same and consequently direct the respondent to restore the petitioner's possession in her property compromised in Patta No.4298 in S.No.104/20A2, at Melavalavu Vilalge, Madurai District and quash the same as illegal.

For Petitioner : Mr.G.Kaleeswaran

For Respondent : Mr.N.S.Karthikeyan

Standing Counsel

ORDER

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

Heard Mr.G.Kaleeswaran, learned counsel for the petitioner and Mr.N.S.Karthikeyan, learned Standing Counsel appearing for the respondent.

2. The petitioner has already taken the possession resorting to Section 14 of SARFAESI Act and the lock and seal has been put by the Bank. The petitioner seeks desealing of the said property and requests for handing over the possession of the property Bank.



W.P(MD)No.20003 of 2023

WEB COPY

3. The petitioner has deposited a sum of Rs.5,00,000/- (Rupees Five Lakhs only) on 28.08.2023 i.e., the date we have heard the matter. The learned counsel for the petitioner submits that the petitioner would deposit a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) immediately.

4. On deposit of further amount of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) with the Bank, the Bank may re-deliver the possession to the petitioner that is the person from whom the possession was obtained.

5. The petitioner shall deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) every month. The first installment shall be paid on or before 5th of October, 2023 and shall go on paying installment of Rs.4,00,000/- (Rupees Four Lakhs only) per month.

6. The petitioner is also at liberty to file an application for reschedulement of the loan account, which application shall be considered and decided by the Bank on its own merits. If the account is rescheduled, the party certainly will have to abide by the said decision. However, if the Bank does not agree to reschedule the



W.P(MD)No.20003 of 2023

account, then the petitioner would be liable to pay installment as stated above, till the final payment is made.

7. In case, the petitioner commits default of any one installments, then the respondent Bank will be entitled to proceed further under the SARFAESI Act.

8. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[S.V.G., C.J.]

[C.K., J.]

01.09.2023

Index : Yes / No
Neutral Citation : Yes / No
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W.P(MD)No.20003 of 2023

THE HONOURABLE CHIEF JUSTICE
and
C.KUMARAPPAN, J.

RM

W.P(MD)No.20003 of 2023

01.09.2023