



W.P.(MD).No.21492 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 04.10.2023

CORAM

**THE HON'BLE MR JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR JUSTICE V.LAKSHMINARAYANAN**

W.P.(MD).No.21492 of 2023
and
W.M.P.(MD).No.17881 of 2023

1.S.Thangasamy

2.T.Kavitha

.. Petitioners

Vs.

1.The Chief Judicial Magistrate,
Tiruchirappalli.

2.Punjab National Bank,
No.7, Royal Road,
Cantonment,
Trichy Main Branch,
Tiruchirappalli,
Represented by its Authorized Officer,
E.Rajeesh.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, to call for the records related to the impugned order passed by the 1st respondent dated 12.07.2023 vide his order in Cr.M.P.No.28850 of 2022.



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For Petitioners : Mr.S.Krishnan
For R-2 : Mr.V.Balasubramaniam

ORDER

(Order of the Court was made by V.LAKSHMINARAYANAN,J.)

This Writ Petition has been filed for writ of Certiorari to quash the proceedings of the Chief Judicial Magistrate, Tiruchirappalli in CrI.M.P. No.28850 of 2022 dated 12.07.2023.

2. When the Writ Petition came up for admission on 04.09.2023, this Court was pleased to pass the following order:

“4. In the said circumstances, this Court while recording the payment of Rs.10,00,000/- by way of Demand Draft, receipt of which is acknowledged by the respondent bank, adjourns this matter to next week for the bank to respond.”

3. Today, when the matter is taken up for hearing, the learned counsel for the second respondent Bank has produced a copy of the letter dated 07.09.2023 from the Punjab National Bank/second respondent herein stating



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that pursuant to the filing of the Writ Petition and the order passed by this Court on 04.09.2023, the Bank has agreed to settle the matter at Rs.23.50 Lakhs less the amount of Rs.10,00,000/- already paid. The total amount that the Bank has agreed for settlement is Rs.15,10,434/-.

4. The learned counsel for the petitioners submitted that the aforesaid amount will be paid within two months. In case the amount is paid, the Bank shall not proceed further with the proceedings initiated under SARFAESI Act. Even if there is one default, it is open to the second respondent Bank to proceed in accordance with law.

5. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(S.M.S.,J.) (V.L.N.,J.)
04.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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Tiruchirappalli.

2.The Authorized Officer,
Punjab National Bank,
No.7, Royal Road,
Cantonment,
Trichy Main Branch,
Tiruchirappalli.



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S.M.SUBRAMANIAM,J.
and
V.LAKSHMINARAYANAN,J.

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