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W.P.(MD) No.21167 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2023

CORAM:

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

W.P.(MD) No.21167 of 2023

and

W.M.P.(MD) Nos.17563 & 17564 of 2023

Sinthus Banu

... Petitioner

-VS-

Union Bank of India
Karaikudi Branch
No. 110, Sekkalai Road
Karaikudi
Sivagangai District - 623 001
Represented by its Authorized Officer
V.Saravana Moorthy

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records in connection with the impugned order in CrI.MP.No.3362 of 2022 passed by the Chief Judicial Magistrate, Sivagangai, dated 05.08.2022 and quash the same as illegal.

For Petitioner : Mr.S.Bharathy Kannan

For Respondent : Mr.V.S.Karthi, Standing Counsel



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ORDER

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

We have heard Mr.S.Bharathy Kannan, learned counsel appearing for the petitioner and Mr.V.S.Karthi, learned Standing Counsel, appearing for the respondent – Bank.

2. Learned counsel for the petitioner submits that the Advocate Commissioner has issued a notice stating that physical possession of the secured property would be taken on 25.08.2023.

3. The petitioner had challenged the order passed by the learned Chief Judicial Magistrate, under Section 14 of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, by filing W.P.(MD) No.20791 of 2022. Under order dated 02.09.2022, this Court directed the petitioner to deposit Rs.20,00,000/- (Rupees twenty lakhs only) on or before 31.12.2022 and further directed to make a representation to the respondent – Bank within two weeks from the date of last installment for waiver of penal interest or for one time settlement or for restructuring of the loan.



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4. The petitioner has deposited Rs.20,00,000/-, but did not make any further representation as directed under the said order.

5. Learned counsel for the petitioner submits that house in question is a residential house. The ground floor of the house has been sealed by the Advocate Commissioner and now, the first and second floors are still in possession of the petitioner, according to the learned counsel for the petitioner.

6. We do not appreciate the conduct of the petitioner.

7. Today, according to the respondent – Bank, Rs.70,00,000/- (Rupees seventy lakhs only) is outstanding as against the petitioner.

8. Considering that the subject writ property is a residential house, we pass the following order:

- (i) The petitioner shall deposit Rs.20,00,000 (Rupees twenty lakhs only) with the respondent – Bank, within one week



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from today and further Rs.10,00,000/- (Rupees ten lakhs only) within two weeks thereafter (total Rs.30,00,000/- (Rupees thirty lakhs only).

- (ii) The petitioner shall make an application to the respondent – Bank within one week from today, either for one time settlement, which the respondent – Bank will decide within three weeks from the date of receipt of the application.
- (iii) In case the petitioner fails to deposit even the first installment of Rs.20,00,000/-, the respondent – Bank is entitled to proceed further for taking possession of the subject writ property.
- (iv) If the petitioner deposits Rs.30,00,000/- as directed above and within the time stipulated above, then the respondent – Bank may consider the application filed by the petitioner and take a decision on its own merits.
- (v) Depending upon the decision taken by the respondent – Bank, the parties may take further steps.



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9. The writ petition is accordingly disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

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

[C.K., J.]

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

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THE HONOURABLE CHIEF JUSTICE
and
C.KUMARAPPAN, J.

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