



W.P.No.27877 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.09.2024

Coram:

THE HONOURABLE MR.D.K.KRISHNAKUMAR, ACTING CHIEF JUSTICE

and

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.27877 of 2024

and

W.M.P.Nos.30400, 30402 and 30405 of 2024

1. K.Kaliyappan

2. Mrs.Kavitha Kaliyappan

.. Petitioners

Vs.

1. Canara Bank,
Rep. by its Authorized Officer,
Retail Asst. Hub,
Salem.

2. Canara Bank,
Rep. by its Branch Manager,
Retail Asst. Hub,
1st Floor, Fort, Salem-636 001.

3. M.Jeeva,
Advocate Commissioner,
Opp. K.S.S.Petrol Bunk,
Idappadi Taluk,
Salem District-637 102.

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order of the Chief Judicial Magistrate, Salem, dated 12.08.2004 in CrI.M.P.No.1326 of 2024 and quash the same and consequently direct the respondents 1 and 2 to permit the petitioners to pay the outstanding amount of Rs.1,05,15,700/- in ten (10) monthly instalments in respect of the Loan Account of the petitioners, with the second respondent-Bank.

For petitioner : Mr.K.Selvaraj

For respondents: Mr.R.Sreedhar for RR-1 and 2

ORDER

(The Order of the Court was made by The Honourable Acting Chief Justice)

The petitioners have filed the present Writ Petition, seeking to issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order of the Chief Judicial Magistrate, Salem, dated 12.08.2004 in CrI.M.P.No.1326 of 2024 and quash the same and consequently direct the respondents 1 and 2 to permit the petitioners to pay the outstanding amount of Rs.1,05,15,700/- in ten monthly instalments in respect of the Loan Account of the petitioners, with the second respondent-Bank.

2. On consent of the learned counsel appearing for both parties, the Writ Petition itself is taken up for final disposal.

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3. The learned counsel for the petitioners, undertakes before this Court that the petitioners will pay the entire accrued/outstanding amount in the loan account, to the respondents 1 and 2/Canara Bank and prayed for time to pay the amounts due. Further, the petitioners already have sent a request / letter dated 23.09.2024 to the respondents 1 and 2/Canara Bank with regard to the payment of the arrears/entire loan amount to the said Bank.

4. Learned counsel for the respondents 1 and 2-Canara Bank had not agreed for the above payment of loan amount and that they have not approached the respondents-Bank and the learned counsel for the respondents 1 and 2--Bank is disputing the actual amount to be paid by the petitioners on the loan account.

5. The petitioners are willing to settle the entire loan amount of Rs.1,05,15,700/- by way of instalments.

6. In such circumstances, there shall be interim stay on condition that the petitioners shall pay the said amount of Rs.1,5,15,700/- (Rupees one crore five lakhs fifteen thousand and seven hundred only) to show their bona-fides and the petitioners are directed to pay Rs.20 lakhs (Rupees twenty lakhs only) on or before 09.10.2024. The balance amount outstanding thereon, shall be paid by the petitioners in six monthly equal instalments and if the petitioners commit any default in payment of the amount of any one instalment, the interim stay granted by this Court as above, will stand automatically vacated without any

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further reference to this Court. The necessary due amount to be paid by the petitioners as directed above, shall be paid with interest, if any. It is made clear that the first month of instalment shall commence from November 2024 and after paying the above said amount of Rs.20 lakhs initially as directed above, the remaining instalments shall be paid before the 10th of every month commencing from November 2024.

7. It is further made clear that if the petitioners commit any default in payment of any one of the instalment as directed above, the respondents 1 and 2--Canara Bank, are directed to proceed against the petitioners in accordance with law.

8. In the meantime, the petitioners shall not make any alteration/modification of the structure of the building/premises in question.

9. With the above observations and directions, the Writ Petition is disposed of. The petitioners are directed to pay separate Court fee and W.M.P.No.30400 of 2024 is ordered accordingly. Consequently, W.M.P.Nos.30402 and 30405 are closed. There shall be no order as to costs.

(D.K.K., ACJ) (P.B.B.,J)
25.09.2024

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HON'BLE ACTING CHIEF JUSTICE
and
P.B.BALAJI, J

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