



W.P.(MD) No.343 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

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A.Joseph Manickam

... Petitioner

-VS-

The Branch Manager,
The South Indian Bank,
Karaikudi Branch, Sona Building,
2nd Street (Main) N.14 Subramaniapuram,
Karaikudi,
Sivagangai District – 630 002.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to permit the petitioner to settle rest of four installments in total Rs.17,27,941.00 as one time settlement for implementation of Writ Petition (MD) No.26587 of 2023 by releasing the document No.4747 of 2004 is under custody of respondent immediately.

For Petitioner : Mr.I.Arockia Selvaraj

For Respondent : Mr.T.Thevan, Standing Counsel



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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the respondents to permit the petitioner to settle rest of four installments in total Rs.17,27,941.00 as One Time Settlement for implementation of Writ Petition (MD) No.26587 of 2023 by releasing the document No.4747 of 2004, which is under the custody of respondent immediately.

2. By consent of both sides, the Writ Petition itself is taken up for final disposal at the time of admission itself.

3. Learned Counsel for the respondent strongly objected to the prayer in the Writ Petition as the petitioner has already filed W.P.(MD) No.26587 of 2023 before this Court and this Court by order dated 27.06.2023, directed the respondent to remove seal from the property in question on payment of Rs.35,23,161/- and directed the petitioner to pay the balance amount in five equated monthly installments and though the respondent has handed over the key to the petitioner on payment of Rs.35,22,161, the petitioner failed to pay the



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balance amount. Thereafter, the respondent issued sale Notice dated 18.10.2023 and challenging the same, the petitioner filed W.P.(MD) No.26587 of 2023 and this Court by order dated 08.11.2023, disposed of the same, directing the petitioner to punctually pay the installment in time and in the event of failure granted liberty to the respondent to take possession of the property. Pursuant to the same, the petitioner has filed the present Writ Petition.

4. Considering the fact that the petitioner is in the habit of obtaining conditional orders by filing Writ Petitions and thereafter, failed to comply the same, this Court is not inclined to entertain the Writ Petition. However, it is always open to the petitioner to approach the respondent Bank with the proposal for One Time Settlement.

5. With the above observations, the Writ Petition stands dismissed.
No costs. Consequently, connected Writ Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]
09.01.2024

Index : Yes / No
Internet : Yes / No
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