



W.P.(MD)No.1699 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2024

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CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1699 of 2024

and

W.M.P.(MD)No.1734 of 2024

J.Loganathan

: Petitioner

Vs.

Bank of Baroda,

Rep. through its Authorized Officer,

S.Backiyalakshmi,

ROSARB 1st Floor,

Plot No.14, Door No.3,4,5,

Shakthi Velammal 10th Street,

S.S.Colony, Madurai – 16.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the learned Chief Judicial Magistrate Court, Madurai in Cr.M.P.No.581 of 2023 dated 30.08.2023 and quash the same and consequently direct the respondent bank to furnish the statement of loan account for one time settlement.



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For Petitioner : Mr.K.Muthu Ganesa Pandian

For Respondent : Mr.P.Pethu Rajesh

Standing Counsel

ORDER

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

The present Writ Petition has been filed seeking to quash the order passed by the learned Chief Judicial Magistrate Court, Madurai in Cr.M.P.No.581 of 2023 dated 30.08.2023 and for a consequential direction to the respondent bank to furnish the statement of loan account for one time settlement.

2.Heard Mr.K.Muthu Ganesa Pandian, learned Counsel appearing for the petitioner and Mr.P.Pethu Rajesh, learned Standing Counsel appearing for the respondent.

3.According to the petitioner, the petitioner's parents have availed a term loan for a sum of Rs.1,75,000/- in the year 2006, for which the residential house was mortgaged as security of the loan. The said loan was declared as NPA on 31.03.2012 and the respondent bank had issued a demand notice on 28.09.2020, fixing a liability of Rs.10,98,835.86/-. Later, by virtue of the aforesaid order passed by the learned Judicial Magistrate, Madurai, in



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Cr.M.P.No.581 of 2023, the bank officials are taking steps for taking possession of the aforesaid residential house.

4. Learned Counsel for the petitioner submits that according to the petitioner, the petitioner has to pay a sum of Rs.7,70,000/-, at the time of filing the Writ Petition. But according to the respondent bank, the aforesaid contention of the petitioner is denied, since as on date the outstanding comes to around Rs.12,44,400/-.

5. In view of the above, there is a dispute with regard to the amount determined by the respondent bank. This aspect cannot be decided by this Court exercising the powers under Article 226 of the Constitution of India. The petitioner has to either approach the respondent bank or file appropriate petition before the Debts Recovery Tribunal. Hence, we are not inclined to entertain this Writ Petition.

6. Accordingly, this Writ Petition is dismissed, with liberty to the petitioner either to approach the respondent bank for One Time Settlement or the Debts Recovery Tribunal, if aggrieved by the impugned order passed. At the request of the petitioner, two [2] weeks time is granted to the petitioner to approach the appropriate



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forum. Till such time, the respondent shall not take any coercive steps. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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

26.02.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR

To

The Authorized Officer,

S.Backiyalakshmi,

Bank of Baroda,

ROSARB 1st Floor,

Plot No.14, Door No.3,4,5,

Shakthi Velammal 10th Street,

S.S.Colony, Madurai – 16.



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D.KRISHNAKUMAR, J.

and

R.VIJAYAKUMAR, J.

MR

ORDER MADE IN

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26.02.2024