



W.P.(MD) No.1527 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.1527 of 2024
and W.M.P.(MD)No.1530 of 2024

Mr.C.Ashok Kumar

... Petitioner

-Vs-

1.The Branch Manager,
Tamil Nadu Mercantile Bank Ltd.,
Padanthalumoodu Branch,
17/92, Trivandrum Main Road,
Padanthalumoodu,
Kanyakumari District-629 163.

2.The Authorised Officer,
Tamil Nadu Mercantile Bank Ltd.,
Padanthalumoodu Branch,
17/92, Trivandrum Main Road,
Padanthalumoodu,
Kanyakumari District-629 163.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records on the file of the 2nd respondent pertaining to the impugned possession notice dated 08.12.2023 and to quash the same as illegal.



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For Petitioner : Mr.S.C.Herod Singh

For Respondents : Mr.P.Pethurajesh

ORDER

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

Challenging the impugned possession notice dated 08.12.2023, issued by the 2nd respondent, the petitioner has filed this Writ Petition.

2. When the matter was taken up for hearing on 24.01.2024, the learned counsel appearing for the respondents bank submitted that if the petitioner is ready to pay the due amount by installments, the same will be accepted by the respondents bank and the learned counsel for the petitioner requested time to get instructions to that effect. Hence, the matter was directed to be listed on 29.01.2024. Thereafter, when the matter was taken up for hearing on 31.01.2024, there was no representation on behalf of the petitioner. Hence, again the matter was directed to be listed today ie., on 02.02.2024 under the caption 'For dismissal'.

3. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that the petitioner has not agreed to settle the entire outstanding amount by equal monthly instalments.



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4. In view of the stand taken by the petitioner, we are not inclined to entertain this Writ Petition. Accordingly, this Writ Petition is dismissed. It is for the petitioner to work out his remedy before the Debts Recovery Tribunal. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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

02.02.2024

vsm

NCC : Yes / No

Index : Yes / No



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vsm

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