



WEB COPY



W.P.(MD) No.5421 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2024

CORAM:

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

AND

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

W.P.(MD)No.5421 of 2024

and

W.M.P.(MD)Nos.5178, 5179, 5182 and 5185 of 2024

P.Selvam

... Petitioner

-Vs-

1.The District Collector,
Madurai District, Madurai.

2.The Authorized Officer,
South India Bank Limited,
Rep. by through its Authorized Officer,
Office at Thirissur, Kerala State and one of
its Branch, namely, Regional Office,
Anna Nagar Branch, Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the impugned possession notice issued under Section 13(12) r/w Rule 3 of the Security Interest (Enforcement) Rules, 2002, dated 14.03.2023 on the file of the 2nd respondent herein and to quash the same as illegal, beyond the ambit of the statue and exceeding the statutory powers and direct the respondent to subject the petitioner for OTS



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scheme and to further direct the respondent to adopt due process of law in recovering the money due towards the petitioner herein and for consequential orders.

For Petitioner : Mr.S.Krishnan
For R1 : Mr.S.P.Maharajan,
Special Government Pleader
For R2 : Mr.T.Thevan

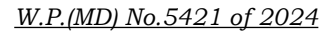
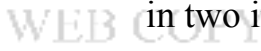
ORDER

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

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the 1st respondent and Mr.T.Thevan, learned counsel takes notice for the 2nd respondent.

3.The petitioner has filed this Writ Petition challenging the possession notice dated 14.03.2023 issued by the respondent Bank. We are not inclined to entertain this Writ Petition on the ground that the petitioner has already approached the Debts Recovery Tribunal and got an interim order on condition to



in two instalments.

5. In view of the aforesaid observation, this Writ Petition stands dismissed. However, the petitioner is at liberty to approach the respondent Bank seeking for OTS proposal and it is for the respondent Bank to consider the same. No costs. Consequently, connected miscellaneous petitions are closed.

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