



W.P.(MD)No.10257 of 2023

WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 06.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.10257 of 2023
and W.M.P.(MD)Nos.9122 and 9123 of 2023**

A.Charles

... Petitioner

versus

1. The Authorized Officer,
Bank of Maharashtra,
110, Nethaji Road,
Madurai – 625 001.

2. The Branch Manager,
Bank of Maharashtra,
110, Nethaji Road,
Madurai – 625 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned possession notice issued by the 1st respondent dated 11.07.2022 and quash the same and consequently direct the respondents to consider the petitioner's applications dated 05.03.2020 and 24.10.2020 for one time settlement.



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For Petitioner : Mr.K.Samidurai

For Respondents : Mr.R.Pandivel

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

Heard Mr.K.Samidurai, learned counsel appearing for the petitioner and Mr.R.Pandivel, learned counsel appearing for the respondents Bank.

2. Though the petitioner has complied with the interim order dated 27.04.2023, directing him to deposit a sum of Rs.5 lakh on or before 26.05.2023, no further payment has been made for over a year and the petitioner has been enjoying the benefit of the interim order.

3. The writ petition was entertained by this Court only the ground that there was no Presiding Officer for the Debts Recovery Tribunal, Madurai, at that point of time. We are now informed that there is a Presiding Officer. However, having entertained the writ petition and the same having been pending for more than a year, now, we do not want to immediately relegate the petitioner to the Debts Recovery Tribunal, Madurai. The interest of the parties can be balanced,



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by requiring the petitioner to pay the balance amount in a staggered manner.

4. Mr.R.Pandivel, learned counsel appearing for the respondents Bank would submit that the balance amount is nearly Rs.22 lakhs as of today.

5. The petitioner is permitted to pay the said amount in five equal bi-monthly installments. The interest that accrued in the interregnum and the cost, if any incurred by the Bank, shall be paid along with the last installment amount. If any one of the installment amount is not paid, the interim stay will stand vacated automatically.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(R.S.M., J.) (L.V.G., J.)
06.09.2024

NCC : Yes/No
Index : Yes / No
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and
L.VICTORIA GOWRI, J.

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To

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