



WEB COPY



W.P.(MD)No.21117 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.21117 of 2024
and
W.M.P.(MD)Nos.17885 to 17887 of 2024**

G.Boominathan

... Petitioner

-VS-

M/s.Jana Samll Finance Bank
Limited,
No.640/641, Second Floor,
Nehruji Road, SBI Upstairs,
Theni.
Represented by its Authorized Officer,
Chandrasekaran, S/o.Muniyandi

...Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the Chief Judicial Magistrate, Theni in CrI.M.P.No.3872 of 2024 dated 02.07.2024 and quash the same as illegal and consequently direct the respondent to de-seal and permit the petitioner to reside along with his family in the house building bearing Door No.6.1.131/1 measuring 800 sq. ft i.e., 74.32 sq.mtr., comprised in Re-survey No.224/7 situated at B.Meenatchipuram Village and Town, Bodinayakanur Sub Registration District, Periyakulam Registration District, Bodinayakanur Taluk, Theni District.

For Petitioner : Mr.M.Kannan

For Respondent : Mr.S.Babu



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ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

The learned counsel for the petitioner has handed over a demand draft for Rs.2,00,000/- (Rupees Two Lakhs only) to the learned counsel for the bank. The balance amount as of today is 3,54,852/- + interest that has accrued subsequently. The bank will restore possession to the petitioner within a period of 10 days from today and the petitioner will pay the balance amount in four equal monthly installments. The interest accrued in the interregnum period and any charges shall be payable along with a last installment. The installments will commence from 01.10.2024. If there is any default of payment of installments within the 1st five days of month, the bank will be entitled to resume possession without approaching the Chief Judicial Magistrate again. Any action for sale will be deferred till then.

2. With the above directions, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.] [L.V.G., J.]

18.09.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
Sml



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W.P.(MD)No.21117 of 2022



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W.P.(MD)No.21117 of 2024

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

Sml

W.P.(MD)No.21117 of 2024

18.09.2024