



W.P.(MD) No.23090 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2024

CORAM:

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

**W.P.(MD) No.23090 of 2024
and
W.M.P.(MD)Nos.19571 and 19573 of 2024**

M.Manikandan

... Petitioner

-VS-

Axis Bank Ltd.,
Legal Collection,
Rep. By its Authorised Officer and Manager Mr.K.Gladson,
No.31, 2nd Floor, South Mada Street,
Mylopore,
Chennai – 600 004.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent herein pertaining possession notice and subsequent order dated 24.07.2024, passed by the learned Chief Judicial Magistrate, Tirunelveli, in Cr.M.P.No.9349 of 2024 and quash it as illegal and consequently direct the respondent Bank to give breathing time and accept part payment and thereby reclassify the loan account as performing account.

For Petitioner
For Respondent

: Mr.K.Sathish
: Mr.P.Pethu Rajesh
Standing Counsel



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ORDER

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

Mr.P.Pethu Rajesh, learned Standing Counsel takes notice for the respondent. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

2.The challenge is to the order of the learned Chief Judicial Magistrate, Tirunelveli, dated 24.07.2024.

3.Normally this Court will not entertain the Writ Petition as an alternative remedy before the Debt Recovery Tribunal is available.

4.The learned counsel for the petitioner would however submit that notice to the effect that the bank is going to take possession with police protection, was served on the petitioner only on 18.09.2024 and the Presiding Officer of DRT, at Madurai, was on leave at the relevant period.

5.Though alternative arrangement has been made for filing the cases and the cases are heard by the DRT, Ernakulam, considering the difficulties experienced and the offer of the learned counsel for the petitioner that the petitioner would be able to liquidate entire debt, if some time is granted, we



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disposed of the Writ Petition in the following terms:-

(I)The petitioner is granted four months time to pay entire debt due.

(II)The entire amount due shall be paid in four months in four installments commencing from 26.10.2024.

(III)The interest that accrues in the interregnum and cost shall be paid along with the last installment.

(IV)If there is any default in payment of installment, the Bank can proceed to take possession without any further notice.

(V)Any amount paid after the notice, shall be given credit to by the Bank.

6.Hence, the Writ Petition is disposed of with the above observation.
No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

26.09.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
Mrn



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

Mrn

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