



WP(MD). No.6801 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 19/03/2025

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

WP(MD). No.6801 of 2025
and WMP(MD) Nos.5101 and 5102 of 2025

1. R. Revathy,

2. M. Ravikumar

... Petitioners

V.

The Authorized Officer,
HDFC Bank Limited,
No.406, Sakthi
Sivam Plaza,
Pumping Station Road,
9th Cross Street,
Kk Nagar,
Madurai - 625 020..

... Respondent

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to extend the time to pay the remaining amount under OTS Scheme as per the offer letter dated 16.12.2024.

For Petitioner : Mr.C.Murugavel
For Respondents : Mr.M.Senthilkumar



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ORDER

(Order of the Court was made by J.NISHA BANU, J.)

This writ petition has been filed for a direction to the respondent to extend the time to pay the remaining amount under OTS Scheme as per the offer letter dated 16.12.2024.

2. The petitioners have availed a loan of Rs.82,76,378/- and created a mortgage deed, which was also registered. While so, due to COVID Pandemic, the petitioners could not repay the said loan and hence, the account of the petitioners have been classified as NPA on 04.07.2022 and recovery proceedings under SARFAESI Act has been initiated by issuing demand notice on 15.03.2023 to pay the outstanding loan. The respondent has also issued symbolic possession notice under Section 13(4) of the SARFAESI Act on 19.07.2023. Thereafter, the respondent has filed a petition before the Chief Judicial Magistrate, Theni under Section 14 of the SARFAESI Act to take physical possession of the property and the said petition has also been allowed by the Chief Judicial Magistrate, Theni. Challenging the same, the petitioner



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has filed an appeal before the Debt Recovery Tribunal, Madurai in SA No.610/2024, in which a conditional order has been passed to pay the loan amount in installments. In the meantime, there is a default on the part of the petitioners. While so, notice has been issued to the petitioners for taking physical possession of the property. Since the petitioners are ready and willing to settle the loan amount, they approached the bank for one time settlement. Since the respondent refused for the one time settlement offered by the petitioners, the petitioners are before this Court with this writ petition.

3. When the writ petition was taken up for hearing, this Court has passed the following order:

“Mr.M.Senthil Kumar, learned standing counsel takes notice for the respondent.

2. WMP(MD)No.5101 of 2025 filed to permit the petitioners to join together and file a single writ petition, is ordered.

3. There shall be an order of interim injunction restraining the respondent from taking physical possession of the residential property in question till 19.03.2025. The petitioners shall produce before this



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Court a demand draft for a sum of Rs.10,00,000/-
(Rupees Ten Lakhs only) drawn in favour of the
respondent Bank, during the next hearing on 19.03.2025.

4. List the writ petition on 19.03.2025.

4. When the matter was taken up for hearing today, it is
represented by the learned counsel for the respondent that the petitioners
have not complied with the interim order granted on 12.03.2025.

5. When this Court has granted some relief to the petitioners, the
petitioners have not complied with the conditional order. Hence, we are
not inclined to entertain the writ petition. Accordingly, the writ petition
is dismissed. No costs. Consequently connected Miscellaneous Petitions
are closed.

[J.N.B.,J]

[S.S.Y.,J]

19.03.2025

NCC : Yes/No

Index : Yes/No

RR



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RR

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