



W.P.(MD) No.12774 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.04.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.12774 of 2025

and

W.M.P.(MD)Nos.9223 & 9226 of 2025

S.Tamaraiselvi

... Petitioner

-Vs-

Mahindra Rural Housing Finance Limited,
Rep. by its Authorized Officer,
No.2/3, G.V.Towers, 3rd Floor,
Melakkal Main Road, Opposite to Fenner India Ltd.,
Near Passport Office, Madurai-625 016.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the learned Chief Judicial Magistrate, Theni in CrI.M.P.No.534 of 2025, dated 07.04.2025 on the file of the respondent and quash the same as illegal and consequently, to direct the respondent to release the title deed deposited by the petitioner on payment of the balance consideration of Rs.3,24,718/- in six equal monthly installments within the time period stipulated by this Court.

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For Petitioner : Mr.T.Aswin Raja Simman

ORDER

[Order of the Court was made by *S.SRIMATHY, J.*]

Challenging the order of the learned Chief Judicial Magistrate, Theni in CrI.M.P.No.534 of 2025, dated 07.04.2025, this Writ Petition is filed with a consequential direction to the respondent to release the title deed deposited by the petitioner on payment of the balance consideration of Rs.3,24,718/- in six equal monthly instalments within the time period stipulated by this Court.

2.According to the petitioner, she availed loan to the tune of Rs.2,50,000/- from the respondent Bank by way of depositing her title deeds. Since she was not able to repay the same, the respondent Bank initiated SARFAESI proceedings and issued sale notice. Subsequent to the sale notice, the respondent filed a petition in CrI.M.P.No.534 of 2025 before the learned Chief Judicial Magistrate, Theni for taking possession of the immovable property of the petitioner and the same was ordered vide order dated 07.04.2025. Challenging the same, the petitioner has filed this Writ Petition.



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3.The learned counsel appearing for the petitioner would submit that the petitioner is ready to deposit the entire amount in monthly instalment basis.

4.Considering the request made by the learned counsel for the petitioner, this Court directs the petitioner to pay a sum of Rs.1,50,000/- to the respondent Bank on or before 05.06.2025 and the balance amount shall be paid by the petitioner in six equated monthly instalments. The last instalment shall be paid along with accrued interest. It is made clear that if there is any default in paying the aforesaid instalment amount, the respondent is at liberty to take action in accordance with law.

5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

6.Post the matter on 06.06.2025 for reporting compliance.

[J.N.B., J.] & [S.S.Y., J.]
29.04.2025

NCC : Yes / No

Index : Yes / No

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Note: Issue order copy by today (29.04.2025) itself.

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AND

S.SRIMATHY, J.

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