



W.P(MD)No.14365 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.05.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY
and
THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.14365 of 2025
and
W.M.P.(MD) Nos.10551 and 10552 of 2025**

A.Alagumuthu

... Petitioner

vs.

The Authorized Officer,
Equitas Small Finance Bank Limited,
No.3.3.45/5 2nd Floor, SBI Upstair,
Kumuli Main Road,
MRR Nagar, Palanichetti Patti,
Theni.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the Learned Chief Judicial Magistrate, Theni in CrI.M.P.No.1143 of 2025 dated 28.04.2025 and quash the same as illegal improper unlawful, unconstitutional and arbitrary and consequently direct the respondent not to take physical possession of the property.



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For Petitioner : Mr.R.Murugan
For Respondent : Mr.R.M.Ajay Parthiban
Standing Counsel

ORDER

(Order of the Court was made by S.SRIMATHY, J.)

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the learned Chief Judicial Magistrate, Theni, in CrI.M.P.No.1143 of 2025 dated 28.04.2025, to quash the same as illegal, improper, unlawful, unconstitutional and arbitrary and to direct the respondent not to take physical possession of the property.

2.According to the petitioner, he obtained Micro Finance Loan from the respondent Bank and out of 60 EMIs, 25 monthly installments have been regularly paid by the petitioner. Thereafter, he failed to repay the amount. Hence, the respondent filed a petition in CrI.M.P.No.1143 of 2025 before the learned Chief Judicial Magistrate, Theni, and vide order dated 28.04.205, the learned Magistrate appointed an Advocate Commissioner to take possession of the petitioner's property. Challenging the same, the present Writ Petition.



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3.The learned counsel for the petitioner would submit that the petitioner is liable to pay a sum of Rs.4,71,572/- to the respondent Bank and now, the petitioner is ready and willing to pay a sum of Rs.50,000/- out of Rs.4,71,572/- as first installment to the respondent Bank, on or before 30.05.2025. The balance amount ie., Rs.4,21,572/- will be paid in three equated monthly installments commencing from June, 2025, for which, the learned Standing Counsel for the respondent is agreeable and would submit that the entire amount has to be paid by the petitioner in four equal monthly installments.

4.Heard the learned counsel appearing on both sides and perused the materials placed before this Court.

5.Considering the submissions made on either side, the petitioner is directed to pay the first installment of Rs.50,000/- on or before 30.05.2025 and to pay the balance amount of Rs.4,21,572/- in three equated monthly installments commencing from June, 2025, on or before the 25th day of every English calender month. Till such time, the respondent Bank is directed not to take physical possession of the petitioner's property. In the event of any default in payment of



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the installments, the respondent Bank is at liberty to proceed further in accordance with law.

6. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

[S.S.Y.,J.] & [R.V., J.]
21.05.2025

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

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Note : Issue order copy on 22.05.2025.

To

The Authorized Officer,
Equitas Small Finance Bank Limited,
No.3.3.45/5 2nd Floor, SBI Upstair,
Kumuli Main Road,
MRR Nagar, Palanichetti Patti,
Theni.

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S.SRIMATHY, J.
and
R.VIJAYAKUMAR, J.

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ORDER MADE IN
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DATED : 21.05.2025