



W.P(MD)No.28770 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 23.01.2025**

**CORAM :**

**THE HONOURABLE MR.JUSTICE M.S.RAMESH  
and  
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)No.28770 of 2024  
and  
WMP((MD)Nos.24377, 24380 and 24381 of 2024**

M.Balasundari

... Petitioner

vs.

The Authorised Officer,  
Tamilnadu Mercantile Bank Ltd.,  
Alangulam Branch,  
No.549A, Tenkasi Road,  
Alangulam-627 851,  
Tenkasi District.

... Respondent

**Prayer :** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed in Cr.M.P.No.15697/2023 dated 18.07.2023 on the file of the Chief Judicial Magistrate, Tirunelveli, and consequential impugned warrant dated 09.08.2023 issued by the Chief Judicial Magistrate, Tirunelveli, by appointing an Advocate Commissioner to take physical possession of the property of the petitioner and quash the same as illegal and consequently directing the respondent to settle the matter under OTS Scheme by waiving all the interest and charges included by the respondent bank based on the representation dated 24.05.2024 within a time frame fixed by this Court.



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For Petitioner : Mr.K.Mahendran  
For Respondent : Mr.N.Dilip Kumar, Standing Counsel

### **ORDER**

(Order of the Court was made by **M.S.RAMESH, J.**)

In consideration of the fact that the petitioner's husband had died, we had, as a special case, granted liberty to the petitioner to pay a sum of Rs. 10,00,000/- in order to show her *bona fides* that she is willing to settle the entire outstanding dues.

2. Today, it is reported by both the counsel on either side that a sum of Rs.10,00,000/- as ordered by us on 02.12.2024, has been paid by the petitioner to the respondent Bank.

3. The learned counsel appearing for the petitioner would submit that the petitioner is deprived of the account details relating to the loan account.

4. The learned standing counsel for the respondent Bank submitted that if the petitioner approaches the respondent Bank, they would furnish all the necessary account details. His statement is hereby recorded.



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5. In the light of the above observations, the petitioner is granted liberty to prefer a SARFAESI appeal within a period of two weeks from the date of receipt of a copy of this order. When the said appeal is preferred before the Debts Recovery Tribunal, the same shall be taken on file, if it is otherwise in order, without referring to the limitation period. In case, the petitioner fails to prefer the SARFAESI appeal within the above stipulated period, the respondent Bank would be at liberty to proceed for recovery of the outstanding dues in accordance with law.

6. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(M.S.R, J.) (A.D.M.C, J.)  
23.01.2025

Index : Yes / No  
Neutral Citation : Yes / No  
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**M.S.RAMESH, J.**  
**and**  
**A.D.MARIA CLETE, J.**

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**ORDER MADE IN**  
**W.P(MD)No.28770 of 2024**  
**DATED : 23.01.2025**