

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2015

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
and
THE HON'BLE DR.JUSTICE P.DEVADASS

Writ Petition No.37679 of 2015
and M.P.No.1 of 2015

1.K.R.Vivekanandan
2.S.Ramasamy

...Petitioners

vs.

1.The Authorised Officer,
Karur Vysya Bank,
Karur Divisional Office,
No.637, Jawahar Bazaar, Karur - 639 001.

2.The Branch Manager,
Karur Vysya Bank, Ganapathipalayam,
Erode - 638 153.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, to call for the e-auction notice issued by the first respondent dated 03.11.2015 and quash the same.

For Petitioners : Mr.P.Kannan Kumar

For Respondents : Mr.A.V.Radha Krishnan

ORDER

(delivered by K.K. SASIDHARAN,J.)

The challenge in this writ petition is to the e-auction notice, dated 03.11.2015 proposing to auction the secured asset on 09.12.2015.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

3. The petitioners availed financial assistance from the Ganapathipalayam Branch of Karur Vysya Bank by creating a charge on their immovable property. Since the petitioners failed to re-pay the instalments as per schedule, the Bank initiated proceedings invoking the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act. The Bank, after

complying with the statutory requirements issued the auction notice.

4. It is the contention of the petitioners that due to monsoon failure, there was nil income from agriculture and as such, they could not re-pay the loan. The petitioners are prepared to re-pay the entire amount, provided reasonable time is given.

5. After hearing the learned counsel for the petitioners and the learned counsel for the Bank and taking into account the genuine reasons shown in the affidavit filed in support of the writ petition, we are of the view that reasonable time should be given to the petitioners to re-pay the loan amount and close the loan account.

6. The petitioners undertake to deposit 25% of the loan amount on or before 06.12.2015.

7. The petitioners are directed to deposit 25% of the loan amount as indicated in the impugned notice, dated 03.11.2015 by 5.00 p.m. on 06.12.2015. In case of such deposit, the Bank is directed to postpone the auction indefinitely. The petitioners are directed to pay the remaining amount, as expeditiously as possible, and in any case on or before 28 February 2016. In case of failure on the part of the petitioners to comply with this direction, it is open to the Bank to proceed further in accordance with law.

The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

svki

+1 cc to Mr.Kannankumar, Advocate, sr.64649

+1 cc to Mr.Radhakrishnan, Advocate, sr.64656

W.P.No.37679 of 2015

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