

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2017

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.5089 of 2017
and
W.M.P.No.5364 of 2017

K.Karthikeyan

... Petitioner

vs.

The Authorised Officer,
REPCO Bank,
No.25-O, K.K.Road,
Near More Departmental Stores,
Villupuram - 605 602

... Respondent

WRIT Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, directing the respondent to collect the amount due to them from the petitioner by waiving some portion of interest, entire penal interest and penalty within the time frame to be fixed by this Hon'ble Court instead of conducting E-Auction.

For Petitioner : Mrs.V.Suguna
for Mr.C.Munusamy
For Respondent : Mr.A.Ilangovan

सत्यमेव जयते
ORDER

(Order of the Court was delivered by S.MANIKUMAR, J)

Petitioner has obtained a housing loan to the tune of Rs.3,50,000/- on 04.08.2012 under loan A/c.No.SDL 131 for which he had furnished security of the property, viz., land and RCC residential cum commercial building situated at 38B/362, Mettu Street, Kakuppam, Villupuram comprised in SF No.28/3B, Kakuppam Village, within Villupuram Join 1 Sub Registrar's jurisdiction, to an extent of 2400 sq.ft. According to him, he has paid more than Rs.2,00,000/-. He could not pay the balance amount. REPCO Bank, Villupuram, has issued a notice demanding payment of Rs.5,30,712/- and Sale notice dated 21.01.2017, has been issued

calling for tender. Petitioner has contended that the property would be worth more than Rs.50 Lakhs. But REPCO Bank, respondent herein has fixed the reserve price for Rs.14,63,000/-.

2. Being aggrieved by the action of the bank, writ petitioner has sent a representation dated 10.02.2017, requesting REPCO Bank, the respondent herein to waive penal interest. Representation remained unanswered. According to the petitioner, left with no other alternative petitioner has sought for a mandamus, directing the respondent to collect the amount due to them, from the petitioner by waiving some portion of interest and entire penal interest within a time frame to be fixed by this Hon'ble Court instead of conducting E-Auction.

3. Record of proceedings shows that on 01.03.2017, when the writ petition came up for hearing, upon hearing the arguments of the learned counsel for the petitioner, a Hon'ble Division Bench of this Court has directed status quo to be maintained and further directed the Registry to post the matter on 20.04.2017.

4. Today, when the writ petition came up for further hearing, Mr.A.Ilangovan, learned counsel for REPCO Bank, Villupuram submitted that sale scheduled on 04.03.2017, did not take place, as there was no bidder. He further submitted that the representation dated 10.02.2017 of the writ petitioner, would be considered, in terms of the Board's circular and other guidelines, if any, regarding waiver of penal interest. Submission of the learned counsel is placed on record.

5. Though in normal circumstances, a writ petition would not be maintained for the prayer sought for, placing on record the submission of the learned counsel for the respondent. stated supra, we direct, REPCO Bank, Villupuram, the respondent herein to consider the representation dated 10.02.2017, for waiver of interest/penal interest, within a period of three weeks from the date of receipt of a copy of this order. Hope that the bank would not precipitate the matter further, till a decision is taken.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CCC)

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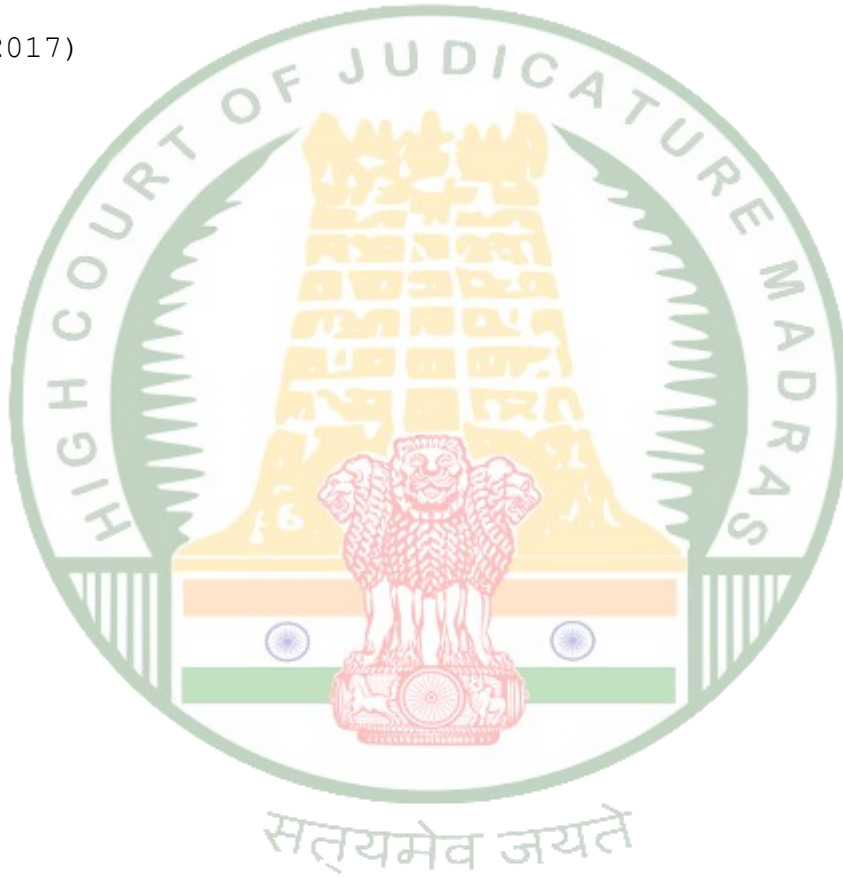
Sub Asst. Registrar

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+lcc to Mr.A.Ilangovan, Advocate Sr. 66260
+lcc to Mr.C.Munusamy, Advocate Sr. 65884

W.P.No.5089 of 2017
and W.M.P.No.5364 of 2017

AR(CCC)
VR(18/09/2017)



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