

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2017

C O R A M

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

Writ Petition No.14091 of 2017 and
W.M.P.No.15303 of 2017

V.Thamarai Selvi

.. Petitioner

Vs.

The Authorised Officer,
Bank of Maharashtra,
Zonal Office,
Legal Department,
No.4, Sivagnanam Road,
T.Nagar,
Chennai - 600 017.

.. Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution, to issue a writ of Mandamus directing the respondent to issue sale certificate in respect of the property morefully described in the schedule to the memorandum of writ petition after adjustment of the balance sale consideration of Rs.50.00 lakhs and a sum of Rs.3,60,000.00 towards interest, within a time frame determined by this Court.

For petitioner - Mr.Jayesh B.Dolia
for M/s.Aiyar and Dolia

For Respondent - Mr.Chockalingam

ORDER

(Order of the Court was made by HULUVADI G.RAMESH, J.,)

Seeking a direction to the respondent to issue sale certificate in respect of the property morefully described in the schedule to the memorandum of the writ petition after adjustment of the balance sale consideration of Rs.50.00 lakhs and a sum of Rs.3,60,000.00 towards interest, within a time frame determined by this Court, the petitioner is before this Court with this writ petition.

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

3.It appears that the auction purchaser is before this Court in respect of the confirmation of auction sale. However, the same has been disputed by the Bank on the ground that there is a belated payment beyond the time stipulated as per the memorandum of understanding and hence, the sale cannot be acted upon by the respondent Bank.

4.According to the petitioner, some amount has been paid and due to some unavoidable reasons, the subsequent amount has not been paid by her. Hence, according to the petitioner, while considering the matter, some leniency may be shown to her.

5.This Court is of the view that it is for the respondent Bank to take into consideration the payments made by the petitioner and may impose some penalty on the amount to be paid by the petitioner. Accordingly, the respondent Bank is directed to consider the case of the petitioner and pass orders in accordance with law, within a period of one month from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

jbm

To
The Authorised Officer,
Bank of Maharashtra,
Zonal Office,
Legal Department,
No.4, Sivagnanam Road,
T.Nagar,
Chennai - 600 017

+1cc to M/s.SP.Chockalingam, Advocate SR.No.44113
+1cc to M/s.Aiyar & Dolia, Advocate SR.No.44391

W.P.No.14091 of 2017

CNR(CO)
GN(18/07/2017)