



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.13406 of 2017
and
W.M.P. (MD) .No.10473 of 2017

M.Najima Begum : Petitioner
Vs.

The Authorized Officer,
Tamilnadu Mercantile Bank Limited,
Chinthamani Branch,
Door No.248B, Reka Towers,
Kamarajar Salai,
Madurai-625 001. : Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records connected with the impugned sale notice dated 17.06.2017, issued by the respondent, in respect of the petitioner's property land to the extent of 120.60 Square feet (Excluding road area) T.S.No.133, S.Ward:4, C. Ward:66 in Madurai South Joint IV SRO and Commercial Building constructed threat bearing Door No.127(Old), 28(Later), 28A(New), South Veli Street, Near Sappani Koil Bus Stop, Madurai and quash the same as illegal consequently directing the respondent to provide sufficient time to the petitioner to repay the loan amount payable to the Bank.

For Petitioner : Ms.S.Malaikani
For Respondent : Mr.N.Dilip Kumar

O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J.]

The petitioner filed this writ petition, challenging the impugned sale notice dated 17.06.2017, issued by the respondent, proposed to bring her property for auction. While admitting the writ petition, this Court granted an interim order on condition that the writ petitioner would pay a sum of Rs.2,00,000/- on or before 02.08.2017. The writ petitioner has complied with the said order. An undertaking affidavit has also been filed that the entire loan amount would be cleared on or before 28.09.2017.



2. We, therefore, restrain the respondent from proceedings with the impugned sale auction till 03.10.2017. If the writ petitioner does not settle the loan liability involved in this writ petition on or before the said date, it is open to the respondent to proceed in the manner known to law. Similarly, it is open to the writ petitioner to work out his remedies, before appropriate forum.

3. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl. Side)

/True Copy/

Sub-Assistant Registrar

To

The Authorized Officer,
Tamilnadu Mercantile Bank Limited,
Chinthamani Branch,
Door No. 248B, Reka Towers,
Kamarajar Salai,
Madurai-625 001.

+One cc to Mr. N. Dilipkumar, Advocate, SR.No. 76603

tsg

RL/3C/2P/MR/KKR/SAR4/6/11/2017

Order made in
W.P. (MD) No. 13406 of 2017
and
W.M.P. (MD) No. 10473 of 2017

dated: 04.09.2017