



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 27.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

And

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P (MD) No.20120 of 2018 and
WMP (MD) Nos.17865 & 17866 of 2018

V.Gopi

... Petitioner

vs.

1. The Tamil Nadu Mercantile Bank Ltd.,
Rep. by its Authorised Officer.

2. The Regional Officer,
Tamil Nadu Mercantile Bank Ltd.,

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorari calling for the records relating to the sale notice dated 05.09.2018 of the first respondent published in the Tamil daily Dinathanthi dated 06.09.2018 in respect of the properties of an extent of 12.5 cents in Survey No.1.33/14E and an extent of 10.00 cents in Survey No.33/14F in Usilampatti Village, Manaparai Taluk, Trichy District and quash the same.

For Petitioner : Mr.ARL.Sundaresan Senior Counsel
for Mr.C.Mahadevan

For Respondents : Mr.Pala Ramasamy

ORDER

(Order of the Court was made by T.RAJA, J.)

The petitioner has filed this writ petition challenging the sale notice, dated 05.09.2018 of the first respondent published in the Tamil daily 'Dinathanthi', dated 06.09.2018, in respect of the properties of an extent of 12.5 cents in Survey No.1.33/14E and an extent of 10.00 cents in Survey No.33/14F in Usilampatti Village, Manaparai Taluk, Trichy District.

2. Heard the learned counsel appearing for the petitioner and
<https://hcservices.ecourts.gov.in/hcservices/> the learned counsel appearing for the respondent bank.



3. When the matter came up for hearing on 20.09.2018, this Court has passed the following order:-

"Mr. AR. L. Sundaresan, learned senior counsel for the petitioner submitted that although one time settlement offer was given to the petitioner to settle the entire amount of Rs. 2,03,00,000/-, on or before, 28.03.2017, by letter dated 16.03.2017, the petitioner was unable to make use of the one time settlement offer. In the meanwhile, the Bank also was unable to find any bidder. As a result, till date, the property has not been sold away in any public auction. Now, the petitioner realising the value of the property is able to clear the entire dues of Rs. 2,03,00,000/- including the interest payable from 28.03.2017. Therefore, the auction scheduled to be held on 29.09.2018 may be kept in abeyance and in the meanwhile, the petitioner is also prepared to pay the dues as mentioned above, he submitted.

2. Mr. Pala Ramasay, learned counsel for the respondent bank, submitted that no more mercy can be shown to the petitioner, as the petitioner did not even utilise the OTS offer given to him way back on 16.03.2017 giving time till 28.03.2017. In the meanwhile, the petitioner has not shown any bonafide by paying any amount whatsoever and therefore, steps taken to realise the amount cannot be stalled, he contended. However, he submitted that if the petitioner shows any bonafide by clearing the entire amount on or before the date of sale, which is scheduled to be held on 29.09.2018, there would not be any prejudice.

3. Since the learned senior counsel requested us to give one more week as final chance, for payment of substantial amount, the matter be listed on 26.09.2018."

4. Today, the learned counsel for the petitioner has come to this Court with empty hand without showing any bona fide, although they are aware of the fact that the auction is scheduled to be held on 29.09.2018. Admittedly, this Court has already given sufficient time to the petitioner, till 26.09.2018, on the serious claim made by the petitioner that they would be taking all efforts to mobilise some substantial money to be paid to the respondent bank. But the petitioner has come up again seeking further adjournment. Therefore, we are unable to accept the plea of the petitioner. Accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (AD-I)

/True Copy/



1. The Authorised Officer,
Tamil Nadu Mercantile Bank Ltd.,
No.209, Kalakarai Main Road,
Mylam Chanthai,
Tiruchirappalli.

2. The Regional Officer,
Tamil Nadu Mercantile Bank Ltd.,
Tiruchirappalli Region,
PLA Kanaka Towers,
2nd Floor, Thillai Nagar, 11th Cross,
Tiruchirappalli.

+ 1 CC TO M/s.A.L.GANTHIMATHI, ADVOCATE IN SR No. 87341

RJ2

TE/RP/SAR-4 : 26/10/2018 : 3P/4C

Order made in
W.P (MD) No.20120 of 2018
27.09.2018