



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.05.2019

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.12159 of 2019

and

W.M.P(MD)No.9131 of 2019

S.Natarajan

...Petitioner

Vs

The Branch Manager,
Bank of India,
Anna Nagar Branch,
Madurai - 20.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned auction notice issued by the respondent in his proceedings in No. Nil dated 09.05.2019 and quash the same as illegal in respect of serial No.1, 2 and 3, AnnaNagar Branch and consequently direct the respondent to accept entire dues from the petitioner and return the jewels, which was pledged by the petitioner.

For Petitioner

:Mr.J.Jeyakumaran

For Respondent

:Mr.Palaramasamy

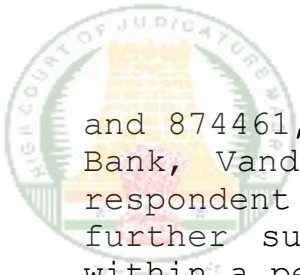
ORDER

This Writ Petition has been filed to quash the impugned auction notice issued by the respondent in his proceedings in No. Nil, dated 09.05.2019 in respect of serial Nos.1, 2 and 3, AnnaNagar Branch and consequently direct the respondent to accept the entire dues from the petitioner and return the jewels, which was pledged by him.

2. Mr. Pala Ramasamy, learned Standing Counsel takes for the respondent.

3. By consent of both parties, the Writ Petition is taken up for disposal in the admission stage itself.

4. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner would submit that due to financial crisis, the petitioner is not able to pay the interest due. He would further submit that now the petitioner is ready to pay the part amount of Rs.1,20,000/- by way of Demand Draft. To that effect, he has also produced Demand Draft bearing Nos. 874460



and 874461, drawn on 15/05/2019, in favour of Tamil Nadu Mercantile Bank, Vandiyur before this Court and the same is received by the respondent counsel in the open Court. The petitioner's counsel further submitted that he is ready to settle the balance amount within a period of four weeks.

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5. Considering the facts and circumstances of the case and also considering the fact that the petitioner has paid the part amount of Rs.1,20,000/- today, this Court is inclined to set aside the impugned auction notice issued by the respondent in his proceeding dated 09.05.2019 and according, the impugned order is set aside in respect of serial Nos.1, 2 and 3. The petitioner is directed to pay the balance amount within a period of four weeks from the date of receipt of a copy of this order. If the petitioner fails to pay the balance amount, if any, the respondent shall proceed against the petitioner in the manner known to law.

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

trp/vsd

To

The Branch Manager,
Bank of India,
Anna Nagar Branch,
Madurai - 20.

1CC TO MR. PALA RAMASAMY, ADVOCATE SR 66080

1CC TO MR.J. JEYAKUMAR, ADVOCATE SR 66054

TR

21/05/2019

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