



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD)No.5026 of 2019

and

W.M.P. (MD)No.4004 of 2019

C.Kala Padmabala

... Petitioner

Vs.

1.The Authorized Officer,
Tamil Nadu Mercantiel Bank Ltd.,
Tirunelveli Regional Office,
Tirunelveli.

2.The Branch Manager,
Tamil Nadu Mercantile Bank Ltd.,
Alangulam Branch,
549 A, Tenkasi Road,
Alangulam,
Tirunelveli-627 851.

3.The Government of Tamil Nadu,
Secretary to Home Department,
Fort Saint George, Chennai-9.

..Respondents

(R3 is suo motu impleaded vide Court order dated 09.04.2018)

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the auction sale deed in reference in CIN:U65110TN1921PLC001908 dated 12.02.2019 issued under the SARFAESI Act the sale fixed on 06.03.2019 and quash the same as illegal and arbitrary and consequently directing the respondents carefully considered the petitioner's request dated 05.02.2019.

For Petitioner	: Mr.R.Manickam
For R1 and R2	: Mr.N.Dilip Kumar
For R3	: Mr.A.K.Baskara Pandian
	Special Government Pleader

ORDER

[Order of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.R.Manickam, learned counsel for the petitioner,
Mr.N.Dilip Kumar, learned counsel for the first and second
<https://hcservices.ecourts.gov.in/hcservices/>



respondents and Mr.A.K.Baskara Pandian, learned Special Government Pleader for the third respondent.

2. Pursuant to the direction issued by this Court, the rental arrears payable by the Judicial Department has been directly remitted to the first respondent Bank.

3. Mr.Dilip Kumar, learned counsel for the first and second respondents submits that the arrears as on date (i.e., 30.10.2019) is Rs.1,16,310/-.

4. Considering the peculiar situation, we direct that the outstanding due as on date shall be taken as Rs.1,00,000/- and we direct the petitioner to clear the entire arrears within a period of three weeks from the date of receipt of a copy of this order. In default, this concession will not be extended to the petitioner and the respondent Bank will be entitled to recover the entire amount with full interest and the same shall be deducted from and out of the monthly rent payable by the Judicial department to the petitioner. Until the entire arrears is cleared the Judicial Department, under the control of the third respondent, shall remit the rent directly to the first respondent Bank.

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

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

The Government of Tamil Nadu,
Secretary to Home Department,
Fort Saint George, Chennai-9.

+1 CC to Mr.N. DILIP KUMAR, Advocate(SR-90440[F] dated 30/09/2019)

ORDER MADE IN
W.P. (MD)No.5026 of 2019
30.09.2019

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VB(21.10.2019) 2P 3C