



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2019

CORAM

WEB COPY

THE HONOURABLE **MR.JUSTICE M.GOVINDARAJ**

W.P. (MD) No.24851 of 2019  
and W.M.P. (MD) Nos.21459 & 21469 of 2019

R.Indira

... Petitioner

Vs.

1.The Sale Officer,  
Office of Deputy Registrar (Housing),  
Virudhunagar Region,  
Virudhunagar.

2.The Secretary  
N.N.11, Paramakudi Cooperative Building Society Ltd.,  
Paramakudi-623707.  
Ramanathapuram District.

... Respondents

**PRAYER** : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to auction notice issued by the second respondent dated NIL and signature NIL, insofar it relates to the auction sale of property comprised in Plot No.13(New No.11) as per approval granted by the Paramakudi Municipality in Ni.Mu.No.14170/74 dated 30.04.1975, in respect of the loan Account No.905 and quash the same as illegal and unconstitutional, consequently direct the respondents to permit the petitioner to make repayments on installment basis.

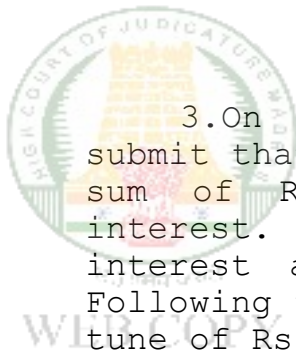
For Petitioner : Mr.R.Jenifar Bibin

For Respondents : Mr.J.Padmavathy Devi,  
Special Government Pleader

**ORDER**

Challenge in this Writ Petition is the auction notice issued by the second respondent.

2.According to the petitioner, auction notice does not specify the upset price and other mandatory details to be published. Hence, the auction notice is liable to be quashed for non-furnishing the statutory requirements.



3.On notice, the learned Special Government Pleader would submit that the total outstanding is Rs.45,06,608/-, Out of which, a sum of Rs.21,34,828/- constitutes interest on EMI and penal interest. As per the Government Order of the year 2015, penal interest and EMI interest are waived for one time settlement. Following the G.O., the Bank is willing to forgo the interest to the tune of Rs.21,34,828/-.

4.The petitioner accepted the one time settlement offered by the Bank and to show her *bonafide* would undertake that she will deposit a sum of Rs.2,00,000/-, on 25.11.2019 and balance amount in six installments.

5.I considered the submissions of both the parties. In fact, auction notice does not specify the loan amount and value of the property, upset price and conditions of the auction, Date for payment of EMD and payment of sale consideration and time limit for the same. Since auction notice is bereft of specific details, it will not survive under the eyes of law.

6.However, one time settlement is offered and accepted by the parties. As agreed, the petitioner is directed to deposit a sum of Rs.2,00,000/-, on 25.11.2019 and shall pay the balance amount in six installments within six months. If the petitioner commits any default in payment of money, within six months, it is open to the respondents to proceed with auction and sale the property for realizing the outstanding amount.

7.With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

gns

To

1.The Sale Officer,  
Office of Deputy Registrar (Housing),  
Virudhunagar Region,  
Virudhunagar.



2.The Secretary

N.N.11, Paramakudi Cooperative Building Society Ltd.,

Paramakudi-623707.

Ramanathapuram District.

WEB COPY

+1 CC to M/s.R.JENIFAR BIBIN, Advocate ( SR-100707[F] dated  
22/11/2019 )

W.P. (MD) No.24851 of 2019  
22.11.2019

JMN(22.11.2019) 3P : 4C