

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.10.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.13922/2020

R.Neelakandan

.. Petitioner

Versus

Tamil Nadu Mercantile Bank Ltd
rep.by its Authoried Officer, 192, Ground
Floor, Opp. To Govt. Hospital,
Mayiladuthurai 609001

.. Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent Bank to accept the balance 75 percent of bid amount with regard to auction conducted on 16.03.2020 pertaining to Flat No.S3, 2nd Floor, Balaji Nestele, Ward No.11, Mayuranathar South Car Street, Mayiladuthurai Taluk, Nagapattinam District and consequently issue the Sale Certificate in favour of the writ petitioner.

For Petitioner : Mr.A.Joseph Dorairaj
For Respondent : Mr.K.Sethuraman

ORDER

- (1)By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2)Mr.K.Sethuraman, learned Standing counsel accepts notice on behalf of the respondent - Bank.
- (3)The petitioner is the successful auction purchaser in respect of a residential Flat admeasuring to an extent of 1222 sq.ft. with a spread over area of 694 sq.ft of undivided share situate at Flat No.S3, 2nd Floor, Balaji Nestele, Ward No.11, Mayuranathar South Car Street, Mayiladuthurai Taluk, Nagapattinam District. In the auction conducted by the respondent-Bank on 16.03.2020, the petitioner was the successful bidder for a sum of Rs.33,51,000/- and though he remitted a part of sale consideration, in respect of the remaining amount of Rs.25,11,000/-, he could not pay it on time on account of the sudden onset and thick spread of COVID-19

pandemic virus. The petitioner, in this regard, has also submitted a representation dated 03.08.2020 to the respondent - Bank, praying for extension of time and since no response is forthcoming, he is constrained to approach this Court by filing the present writ petition.

- (4) The learned counsel for the petitioner would submit that if reasonable time is granted, the petitioner would definitely fulfill the commitment of paying the balance sale consideration and prays for appropriate orders.
- (5) Per contra, Mr.K.Sethuraman, learned Standing counsel appearing on behalf of the respondent-Bank would submit that in the light of the terms and conditions for which the petitioner had also agreed and participated in the auction proceedings, he has to remit the balance sale consideration within the stipulated time and this Court, taking into consideration, the development in the form of COVID-19 pandemic virus, may pass appropriate orders.
- (6) This Court has carefully considered the rival submissions and also perused the materials placed before it.
- (7) This Court can take judicial notice of the fact that on account of the sudden onset and fast spread of COVID-19, almost all economic activities came to a standstill and therefore, finds that the reason assigned by the petitioner for non-depositing of the balance sale consideration, deserves acceptance.
- (8) Therefore, the petitioner is permitted to deposit the balance sale consideration of Rs.25,11,000/- to the credit of the respondent-Bank within a period of two weeks from the date of receipt of a copy of this order and however, the petitioner shall pay interest @ 7% per annum from 01.07.2020 on the balance sale consideration of Rs.25,11,000/- till he pays the entire sale consideration within the time stipulated by this Court. It is made clear that if the petitioner defaults payment of the balance sale consideration with interest, as ordered by this Court, it is open to the respondent-Bank to proceed further in accordance with law.
- (9) The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP
To

The Authoried Officer,
Tamil Nadu Mercantile Bank Ltd
192, Ground Floor, Opp. To Govt. Hospital,
Mayiladuthurai 609001.

WP.No.13922/2020

MTI (CO)
RMP (11/11/2020)