

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.10.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.13915/2020

J.Bhargavi

... Petitioner

Versus

The Authorised Officer
Tamilnad Mercantile Bank Ltd
Tiruchirapalli Region
PLA Kanagu Towers
2nd Floor, Thillai Nagar,
11th Cross, Tiruchirapalli-620018.

... Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the impugned proceedings of the respondent dated 31.07.2020 and quash the same as illegal and consequently direct the respondent to issue the Sale Certificate pertaining the property bearing Plot No.53 [Eastern Side] and Plot No.55 [Western Side] RS.No.260/1, Vasanthapuram Pattanur Village, Thiruchitrambalam Panchayat, Vanur Taluk, Thindivanam Registrar Office and house building thereat to the extent of 1600 sqft in favour of the writ petitioner on receipt of the balance amount within the time specified by this Court.

For Petitioner : Mr.A.Joseph Dorairaj

For Respondent : Mr.Sethuraman

ORDER

(1)By consent, the writ petition is taken up for final disposal and is disposed of by this order.

(2)The petitioner is the auction purchaser in respect of an immovable property admeasuring to an extent of 800 sq.ft.. of land situate at Plot No.53 [Eastern Side] and Plot No.55 [Western Side] comprised in RS.No.260/1, Vasanthapuram, Pattanur Village, Thiruchitrambalam Panchayat, Vanur Taluk,

Tindivanam, Villupuram District and the said property admeasuring to an extent of 800 sq.ft. - ground floor and 800 sq.ft. - first floor.

- (3) It is the case of the petitioner that he participated in the auction sale of the said property which was held on 17.03.2020 and is bid for a sum of Rs.23,50,000/- was found to be successful and being declared as the highest bidder, he has paid a sum of Rs.5,87,500/-, being 25% of the bid amount.
- (4) The respondent - Bank sent a communication, calling upon the petitioner to make good the balance 75% of the bid amount within fifteen days from the date of confirmation of the said sale and the said date expired on 31.03.2020.
- (5) It is the case of the petitioner that on account of the outbreak of COVID-19 pandemic virus, there was a complete lock down and on account of the same, most of the business activities came to a standstill and in the light of the unforeseen circumstances, which may be due to the act of God, the petitioner was not in a position to mobilise funds. The petitioner, in this regard, has also submitted a representation dated 07.08.2020 to the respondent - Bank praying for extension of time for a further period of thirty days to make good the balance payment and despite receipt and acknowledgment, no response is forth coming and therefore, he is constrained to approach this Court by filing this writ petition.
- (6) Mr. Sethuraman, learned Standing counsel accepting notice on behalf of the respondent - Bank, on instructions, submitted that the petitioner, being the participant, is very well aware of the terms and conditions of the auction sale and therefore, he is bound to comply with the same.
- (7) In response to the same, the learned counsel for the petitioner would submit that in the light of the unforeseen circumstances only the petitioner is praying for some accommodation and this Court may consider it favourably.
- (8) This Court has considered the rival submissions and also perused the materials placed before it.
- (9) This Court can take judicial notice of the fact that on account of sudden outbreak and thick spread of COVID-19 pandemic virus, the economic activities have almost come to a standstill and it is the primordial reason cited by the petitioner praying for extension of time.

(10) This Court, taking into consideration the above facts and circumstances and recording the submissions, is disposing of the writ petition with the following directions:-

(a) The petitioner is permitted to deposit the balance sale consideration of Rs.17,52,500/- within a period of three weeks from today in favour of the respondent - Bank and the interest payable on the said balance amount be at the rate of 6% per annum from 01.04.2020, till the expiry of three weeks as ordered.

(b) If the petitioner fails to comply with the above direction, it is open to the respondent - Bank to proceed further in accordance with law in respect of the secured immovable assets.

(11) The writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

To

The Authorised Officer
Tamilnad Mercantile Bank Ltd
Tiruchirapalli Region
PLA Kanagu Towers
2nd Floor, Thillai Nagar,
11th Cross, Tiruchirapalli-620018.

+1cc to Mr.A.Joseph Dorairaj, Advocate Sr.32877
+1cc to Mr.S.Sethuraman, Advocate Sr.32878

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