



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD).No.11040 of 2020

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Mrs.P.Padmavathi

... Petitioner

Vs.

Tamilnad Mercantile Bank Limited,
represented by its Authorised Officer,
Pudukottai Branch,
2738, KLKS Complex, East Main Street,
Pudukottai.

... Respondent

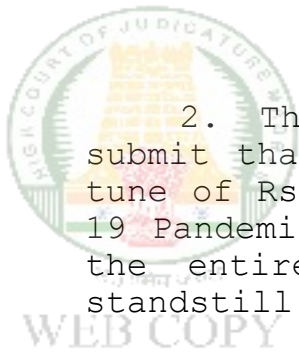
Prayer: The Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent Bank to accept the balance 75% of bid amount with regard to auction conducted on 18.03.2020 pertaining to the property of vacant land to the extent of 501/2 cents or 21998 sq.ft. or 2044.42 sq.m. situated at S.No.122/1D, Sub Division S.No.122/1D2, 9A, Nathampannai Village, Thirugokarnam Vattam, Pudukottai Taluk and District and consequently issue the sale certificate in favour of the writ petitioner.

For Petitioner	: Mr.A.Joseph Dorairaj
For Respondent	: Mr.S.Sethuraman
	Standing counsel for TMB

O R D E R

(Order of the Court was made by **M.SATHYANARAYANAN,J.**)

The petitioner became the successful auction purchaser in respect of a sale of secured assets in the form of vacant land ad-measuring to an extent of 501/2 cents or 21998 sq.ft. or 2044.42 sq.m. situated at S.No.122/1D, Sub Division S.No.122/1D2, 9A, Nathampannai Village, Thirugokarnam Vattam, Pudukottai Taluk and District. In the auction sale conducted by the Bank on 18.03.2020, under the provisions of SARFAESI Act, 2002, the petitioner had quoted a sum of Rs.35,40,000/- for the said property and he was declared as the successful bidder and he paid a sum of Rs.5,32,100/- being the 15% of the bid amount, and in all he has paid 25% of the bid amount on 18.03.2020.



2. The learned counsel appearing for the petitioner would submit that in respect of the balance amount to be payable to the tune of Rs.26,55,000/-, on account of sudden outbreak due to COVID-19 Pandemic Virus, he could not mobilise funds for the reason that the entire economic activities of the country almost came to standstill.

3. The petitioner, in this regard, submitted a representation dated 03.08.2020, to the respondent Bank praying for the further time limit of 30 days to make the balance payment and despite receipt and acknowledgement, no response is forthcoming, and apprehending that the auction sale in his favour is likely to be cancelled and the consequential order of forfeiture of the amount already paid, he came forward to file this writ petition.

4. This Court heard the submission of Mr.S.Sethuraman, learned Standing counsel appearing for the respondent, who would submit that the petitioner, even at the time of participation, in the public auction, very well aware of the terms and conditions of the auction sale and therefore, he is under obligation to strictly comply with the terms and conditions of the auction sale, and as such, the extension of time sought for by the petitioner may not be granted as it may amount to rewrite the terms and conditions of the auction sale and the same may not be permissible, in exercise of jurisdiction under Article 226 of the Constitution of India.

5. This Court has carefully considered the arguments advanced by the learned counsel appearing for the petitioner as well as the learned Standing counsel appearing for the respondent.

6. The petitioner had become the successful bidder in respect of the above cited landed property. Admittedly, he paid 25% of the bid amount, on 18.03.2020 and on account of the sudden outbreak due to COVID-19 Pandemic Virus, he is not in a position to mobilise funds for making the balance payment.

7. This Court can also take judicial notice of the fact that on account of the potency of the said Virus to spread in fast and thick manner, not only the economic activities of this Country, but also almost all the countries through out the world, came to standstill and now, it is limping back to normal condition.

8. This Court, taking into consideration the above facts and circumstances, is inclined to grant two weeks time so as to enable the petitioner to pay the balance amount of Rs.26,55,000/- in favour of the respondent Bank, subject to the following conditions:

The petitioner shall pay the balance amount of Rs.26,55,000/- with interest at the rate of 6% p.a. from 01.07.2020 till the payment of entire amount. Time for payment is two weeks from the date of the order. In the event of default, it



is open to the respondent/Bank to proceed further in accordance with law.

9. The Writ Petition stands disposed of accordingly. No costs.

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Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID -19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To
Tamilnad Mercantile Bank Limited,
represented by its Authorised Officer,
Pudukottai Branch,
2738, KLKS Complex, East Main Street,
Pudukottai.

+1 CC to M/s.V. KARTHIKEYAN, Advocate (SR-17680[F] dated 22/09/2020)

W.P. (MD) .No.11040 of 2020

21.09.2020

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SS (CO)

KK(07.10.2020) 3P 3C