



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2021

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P (MD)No.20864 of 2021

and

W.M.P (MD)Nos.17478 & 17479 of 2021

WEB COPY

1.C.Russel Raj

2.Sheela Raja Christy

... Petitioners

Vs.

1.The Indian Overseas Bank,
represented by its Regional Manager,
Regional Office,
552/3, M.S.Road, Vetturumadam,
Nagercoil - 629 003,
Kanyakumari District.

2.The Branch Manager
Indian Overseas Bank,
Maruthencode,
Kanyakumari District,
Pin 629163.

3.The Authorized Officer
Indian Overseas Bank,
Regional Office,
552/3, M.S.Road, Vetturumadam,
Nagaercoil - 629 003
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to consider and dispose of the petitioner's petition, sent to the respondents by e-mail and speed post on 15.11.2021, within the time fixed by this Court, forbearing from proceeding further pursuant to the sale Notice No. Nil, dated 28.10.2021, on the file of the third respondent, with regard to the petitioner's properties, at serial number 7 of the said sale notice, pending disposal of the said consideration and disposal of the Petitioner's Petition.

For Petitioners : Mr.K.N.Thampi
For Respondents : Mr.N.Dilip Kumar,
Standing Counsel



O R D E R

(Order of the Court was made by **PUSHPA SATHYANARAYANA, J.**)

The Writ Petition is filed by the borrower against the Bank challenging the sale notice, dated 28.10.2021.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The sale is fixed on 30.11.2021 between 11.00 a.m and 2.00 p.m.This Court had granted time for the Petitioners to negotiate with the Bank, however, it was not fruitful. However, the Petitioners state that they would be in a position to mobilise the funds to deposit with the Bank with the help of their relatives.

4.In such view of the matter, auction proposed to be held on 30.11.2021 is postponed for a period of two weeks, however, subject to the condition that auction expenses of Rs.25,000/- (Rupees twenty five thousand only) is deposited by the Petitioners on or before 11.00 a.m on 30.11.2021. In the meanwhile, it is open to the Petitioners to work out their negotiation with the Bank, for any kind of settlement. In the event of default in payment of the amount as aforesaid, it is open to the Bank to continue with the sale.

5.With the above directions, the Writ Petition stands closed. No costs.Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS III)

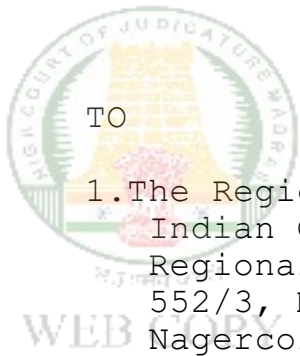
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/ /2021

Sub Assistant Registrar (CS)

vsn

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

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+1 CC to M/s.K.N.THAMBI, Advocate (SR-36193[F] dated 26/11/2021)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-36347[F] dated
29/11/2021)

ORDER MADE IN
W.P (MD) No.20864 of 2021
and
W.M.P (MD) Nos.17478 & 17479 of 2021
26.11.2021

RS (01.12.2021) 3P 6C