



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2021

CORAM :

THE HONOURABLE TMT.JUSTICE PUSHPA SATHYANARAYANA

and

THE HONOURABLE THIRU.JUSTICE P.VELMURUGAN

W.P(MD)No.21014 of 2021

and

WMP(MD)Nos.17608 of 2021

Mr.D.Gnanadoss

... Petitioner

vs.

- 1)The Authorised Officer,
Tamilnad Mercantile Bank Ltd.,
Thoothukudi South Branch,
No.283, W.G.C. Road,
Thoothukudi-628 002.
- 2)Tamilnad Mercantile Bank Ltd.,
Rep. by its Branch Manager,
Thoothukudi South Branch,
No.283, W.G.C. Road,
Thoothukudi-628 002.
- 3)Debts Recovery Tribunal - Madurai,
III & IV Floor, Kalyani Towers,
4/162 Madurai-Melur Road,
(Near Meenakshi Mission Hospital)
Uthangudi Post,
Madurai-625 107.

... Respondents

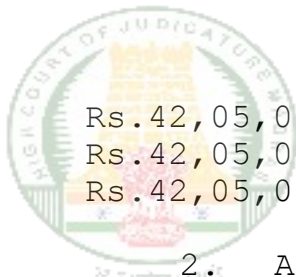
Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to the impugned sale notice dated 02.11.2021 issued by the 1st respondent and quash the same.

For Petitioner : Mr.V.Veerapandian for
M/s.Vastlaw Associates
For R1 & R2 : Mr.N.Dilipkumar

ORDER

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

There was a conditional order passed by the Debt Recovery Tribunal at Madurai in I.A.No.1301/21 in SA.No.342/21, as per which, a stay of all further proceedings pursuant to possession notice dated 12.07.2021, was granted, subject to payment of



Rs.42,05,000/- on or before 01.11.2021, another sum of Rs.42,05,000/- on or before 30.11.2021 and a further sum of Rs.42,05,000/- on or before 30.12.2021, with the default clause.

2. Admittedly, there was a default made by the writ petitioner. Hence, the property was brought to sale by the impugned sale notice dated 02.11.2021, fixing the date of sale on 08.11.2021.

3. Heard both the counsels.

4. The learned counsel appearing for the petitioner would submit that he would only require extension of time for payment of the above said instalments. However, the learned counsel appearing for the bank would contend that the petitioner should furnish the schedule of payment for the entire amount due. However, considering the fact that the business of the petitioner was crippled due to the pandemic situation and that there is no Presiding Officer in the Debt Recovery Tribunal at Madurai, this Court is inclined only to extend the time granted in the order passed in I.A.No.1301/21 in SA.No.342/22.

5. As has been agreed by the counsel for the petitioner, following will be the dates for making the payment:-

Instalment No.	Amount	Due date for payment
I	Rs.42,05,000/-	to be paid on or before 08.12.2021
II	Rs.42,05,000/-	to be paid on or before 09.01.2022
III	Rs.42,05,000/-	to be paid on or before 09.02.2022

6. If there is any default in any one of the above instalments, it would entitle the respondent bank to bring the property to sale. In addition to the payment of the above sum, the petitioner is also directed to pay a sum of Rs.50,000/- as the E-Auction sale expenses, which would also be paid along with the first instalment amount, on or before 08.12.2021.

7. With the above directions, the Writ Petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



TO:

Debts Recovery Tribunal - Madurai,
III & IV Floor, Kalyani Towers,
4/162 Madurai-Melur Road,
(Near Meenakshi Mission Hospital)
Uthangudi Post,
Madurai-625 107.

+1 CC to M/s.VASTILAW ASSOCIATES, Advocate (SR-35989[F] dated
26/11/2021)

+1 CC to M/s.N. DILIP KUMAR, Advocate (SR-36147[F] dated
26/11/2021)

ORDER MADE IN
W.P (MD) No.21014 of 2021
DATED : 25.11.2021

PS (CO)
GC (14.12.2021) 3P 4C