



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.21593 of 2021

and W.M.P. (MD) Nos.18150 and 18151 of 2021

S.Murugan

... Petitioner

Vs.

1.The Authorised Officer,
Tamilnad Mercantile Bank Ltd.,
No.16 & 17, Gnanagiri Road,
Palaniandavarpuram Colony,
Sivakasi - 626 189.
Virudhunagar District.

2.The Branch Manager,
Tamilnad Mercantile Bank Ltd.,
No.16 & 17, Gnanagiri Road,
Palaniandavarpuram Colony,
Sivakasi - 626 189.
Virudhunagar District.

... Respondents

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 of the impugned Auction Sale order passed by the 1st Respondent vide CIN : U65110TN1921PLC001908, dated 09.11.2021 pertaining to the subject property situated at S.No.58/4B, 60/1B & 60/2, Vayakaatu Street, Samusingapuram Village, Rajapalayam Taluk, Virudhunagar District, quash the same and consequently forbear all further proceedings of the Respondents from initiating any Auction sale of the subject property.

For Petitioner : Mr.R.M.Makeesh Kumaravel

For Respondents : Mr.N.Dilipkumar
Standing Counsel

O R D E R

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

The Writ Petition is directed against the sale notice issued by the first respondent in CIN : U65110TN1921PLC001908, dated 09.11.2021, informing the date of sale as 14.12.2021.



2.Heard Mr.R.M.Makeish Kumaravel, learned counsel for the petitioner and Mr.N.Dilipkumar, learned Standing Counsel, appearing for the respondents.

3.By consent of both sides, this Writ Petition itself is taken up for final disposal.

4.After some deliberations in the previous hearing, the parties were directed to resolve the matter and the Writ Petitioner was directed to come up with a schedule of payment agreeable to the Bank. Accordingly, today, the petitioner has filed a memo/undertaking affidavit along with payment schedule dated 06.12.2021. The learned Standing Counsel appearing for the respondent Bank is also agreeable for the same, however, with default clause. The said submission is recorded.

5. The payment schedule reads as follows:

DATE	AMOUNT
07.12.2021	Rs.10,00,000/-
15.12.2021	Rs.10,00,000/-
22.12.2021	Rs.10,00,000/-
29.12.2021	Rs.10,00,000/-
04.01.2022	Rs.10,00,000/-
10.01.2022	Rs.10,00,000/-
18.01.2022	Rs.10,00,000/-
25.01.2022	Rs.10,00,000/-
02.02.2022	Rs.10,00,000/-
10.02.2022	Rs.10,00,000/-
18.02.2022	Rs.10,00,000/-
22.02.2022	Balance Payment

6.Though the Writ Petition is not maintainable, in view of the fact that there is no Presiding Officer at the Debts Recovery Tribunal, Madurai, we have taken up the matter and the following order is passed:-

- i. The impugned notice of the 1st Respondent vide CIN : U65110TN1921PLC001908, dated 09.11.2021, is stayed on condition that the petitioner should pay the instalments as per the payment schedule, failing which, the interim order granted shall stand vacated automatically without further reference to this Court.
- ii. In the event, the petitioner is unable to pay the instalments, the impugned notice of the 1st Respondent in CIN : U65110TN1921PLC001908, dated 09.11.2021, can be put into execution.



7.The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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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Virudhunagar District.

2.The Branch Manager,
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Palaniandavarapuram Colony,
Sivakasi - 626 189.
Virudhunagar District.

+1 CC to M/s.R.M.MAKESH KUMARAVEL, Advocate (SR-37867[F] dated 09/12/2021)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-37985[F] dated 09/12/2021)

W.P(MD)No.21593 of 2021

08.12.2021

_RD(21.12.2021) 3P 5C