



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.01.2022

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.1274 of 2022

and

W.M.P(MD)No.1119 of 2022

P.Reginald

... Petitioner

Vs.

The Authorized Officer,
Canara Bank,
Tuticorin Beach Road Branch,
Tuticorin - 628001.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned sale notice dated 28.12.2021 issued by the respondent bank under SARFAESI Act r/w Proviso to Rule 8(6) of the Security Interest(Enforcement) Rules, 2002 and subsequent E-Auction to be held on 21.01.2022 and quash the same.

For Petitioner :Mr.S.Ramasamy

For Respondent :Mr.F.Deepak

ORDER

(Order of the Court was made by

PUSHPA SATHYANARAYANA, J.)

The writ petition has been filed challenging the sale notice dated 28.12.2021 issued by the respondent fixing the date of sale as 29.01.2022 and the outstanding recoverable is Rs.21,12,782/-.

2. The petitioner, who said to be a fisherman, is unable to mobilize funds immediately and seeks some indulgence from this Court for repayment of the loan amount.

3. Considering the plight of the petitioner, subject to the condition that if a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) is deposited on or before the date of sale ie., on 29.01.2022, the sale may be postponed. The balance amount shall be paid by the petitioner within four months ie., on or before 31st May, 2022, in four equal



monthly installments. If the petitioner fails to comply with the above conditions, the respondent bank will be entitled to take any further action in a manner known to law.

With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pm

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:

The Authorized Officer,
Canara Bank,
Tuticorin Beach Road Branch,
Tuticorin - 628001.

W.P(MD)No.1274 of 2022

27.01.2022

RK(04/02/2022) 2P 2C