



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.01.2022

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA  
AND  
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P (MD)NO.1331 OF 2022**  
**and**  
**W.M.P (MD)No.1187 of 2022**

T.Lawrence

:Petitioner

.vs.

1.The Authorized Officer,  
Indian Overseas Bank,  
Regional Office,  
No.552/3, MS Road,  
Vetturnimadam,  
Nagercoil,  
Kanniyakumari District - 629 003.

2.The Branch Manager,  
Indian Overseas Bank,  
Attoor Branch,  
No.II V 162 12, Attoor, Thiruvattar Post,  
Kanniyakumari 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 1 and 2 not to proceed further with the E-Auction Sale Notice, dated 29.12.2021 or any coercive measures against the Petitioner's property till the Debt Recovery Tribunal, Madurai takes the Petitioner's SARFAESI Appeal in SR.No.106 of 2022, for adjudication.

For Petitioner

:Mr.M.Krishna Sreethar

For Respondents

:Mr.R.Pandivel



**O R D E R**

**\*\*\*\*\***

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

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This Writ Petition is directed against the E-Auction Sale Notice, fixing the date of sale as 31.01.2022.

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

3.The learned counsel for the respondents/Bank states that the amount due and payable by the Petitioner/borrower is approximately to the tune of Rs.40 lakhs.

4.The learned counsel for the Petitioner offered to deposit 50% of the amount due and payable by him to the respondents/Bank on or before 31.03.2022.

5.The learned counsel appearing for the respondents/Bank has also agreed for the same.

6.In the light of the above, we direct the Petitioner to deposit a sum of Rs.6 lakhs(Rupees six lakhs only) on or before the date of sale ie., 31.01.2022, another sum of Rs.7 lakhs(Rupees seven lakhs only) on or before 28.02.2022 and the balance amount of Rs.7 lakhs(Rupees seven lakhs only) would be deposited on or before 31.03.2022, failing which, the respondents are at liberty to proceed with the e-auction sale, as referred to above, in the manner known to law.

7.With the above direction, the Writ Petition stands disposed of and till such time, the e-auction sale notice, dated 29.12.2021, is kept in abeyance. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

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**W.M.P(MD)No.1187 of 2022**  
**27.01.2022**

RD(03.02.2022) 3P 3C