



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.1401 of 2022

and

WMP(MD)Nos.1240 and 1241 of 2022

T.Uthaya Marthandam

... Petitioner

vs.

1) The Authorized Officer,
Indian Overseas Bank,
RM Thurai Branch, Annai Agam,
Opp. Punitha Soosaiappan High School,
Rajakkamangalamthurai-629 501
Kanyakumari District.

2) The Branch Manager,
Indian Overseas Bank,
RM Thurai Branch, Annai Agam,
Opp. Punitha Soosaiappan High School,
Rajakkamangalamthurai-629 501
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, by calling for the records relating to sale notice of 1st respondent dated 29.12.2021 and quash the same and consequently direct the 1st and 2nd respondent not to proceed with the sale and physical possession of the property as stated in the sale notice.

For Petitioner : Mr.R.Rajamohan

For Respondents : Mr.R.Pandivel

ORDER

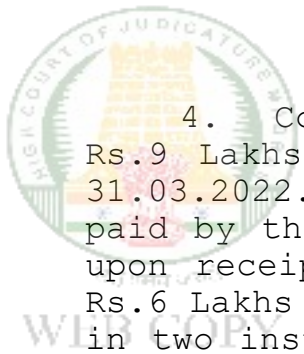
(Order of the Court was made by

PUSHPA SATHYANARAYANA, J.)

The writ petition is directed against the E-Auction Sale Notice dated 29.12.2021 and the sale is fixed on 31.01.2022.

2. The learned counsel appearing for the respondent Bank says that the total outstanding is approximately Rs.9 Lakhs and that the petitioner may be directed to pay the said amount on or before 31.03.2022.

3. The learned counsel for the petitioner has stated that the petitioner is willing to deposit Rs.3,50,000/- upon which, the Account may be regularised.



4. Considering the fact that the amount recoverable is only Rs.9 Lakhs, the same may be paid by the petitioner on or before 31.03.2022. To show his bona fides, a sum of Rs.3,00,000/- may be paid by the petitioner before the date of sale namely, 31.01.2022, upon receipt of which, the sale may be postponed. The balance of Rs.6 Lakhs may be paid on or before 31.03.2022 either in one-shot or in two instalments as may be convenient to the petitioner. If the petitioner fails to comply with the above direction, the respondent Bank will be entitled to take any further action in a manner known to law.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar(CS)

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TO:

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2) The Branch Manager,
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+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-2632[F] dated 27/01/2022)

ORDER MADE IN

W.P(MD)No.1401 of 2022

DATED : 27.01.2022

PS(CO)

GC(03.02.2022) 2P 4C