BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.6600 of 2022
and
W.M.P(MD)No.5101 of 2022

P.Krishnarajan ... Petitioner

Vs.

1.The Authorized Officer,
Indian Bank Zonal Office,
Madurai.

2.The Branch Manager,
Indian Bank,
K.Pudur Branch,
Madurai. ... Respondents

Prayer: Writ Petition is 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 14.03.2022, 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 18.04.2022 and quash the same.

For Petitioner : Mr.K.Draviyanathan

For Respondents : Mr.R.Pandivel

ORDER

(Order of the Court was made by S.S.SUNDAR.J.,)

Heard Mr.K.Draviyanathan, learned counsel for the petitioner and Mr.R.Pandivel, learned counsel for the respondents.

2. This writ petition is filed challenging the sale notice issued by the respondent bank, dated 14.03.2022.

3. While admitting the writ petition, this Court granted interim stay of sale on condition that the petitioner deposits a sum of Rs.30,00,000/- on or before 13.04.2022 and a further sum of Rs.30,00,000/- on or before 27.04.2022. It is now reported that the petitioner has complied with the conditions imposed by this Court and by virtue of the interim order granted by this Court, the sale as proposed by the impugned notice has not taken place and therefore, the prayer in the writ petition has become infructuous.

4. However, the learned counsel appearing for the petitioner states that the petitioner has raised several grounds in this writ petition on merits so as to invalidate the sale. It is also pointed out that the petitioner has highlighted several aspects involving the conduct of the bank.

5. Since the petitioner has paid a sum of Rs.60,00,000/- within a short time, this Court appreciates the conduct of the petitioner. Further, by the substantial payment made by the petitioner, even according to the bank, the total outstanding is reduced to around Rs.52,00,000/-. If the penal interest and other charges are withdrawn, the liability may also be reduced further.

6. In view of the above, the writ petition is dismissed as infructuous. However, it is open to the petitioner to approach the bank for regularization of loan account or for one time settlement if it is possible. It is also open to the petitioner to raise all the contentions that are also raised in the present writ petition if the bank proceeds with the sale by issuing another notice. When the petitioner approaches the bank

for any settlement or regularization of the loan account, the respondent bank shall not initiate coercive action without disposing of the representation of the petitioner as regards settlement or regularization of loan account. No Costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R.J.,] [S.S.Y.J.,]
29.06.2022

Index : Yes / No
Internet: Yes / No

pm

S.S. SUNDAR,J.,
and
S.SRIMATHY,J.,

pm

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