



WEB COPY

W.P(MD)No.9650 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MRS.JUSTICE S.SSRIMATHY

W.P(MD)No.9650 of 2022

and

W.M.P(MD)Nos.6925 and 6926 of 2022

N.H.Masthan

...Petitioner

Vs.

1.The Authorized Officer,
M/s.Bandhan Bank Ltd.,
Head Office,
Floors 12-14, Adventz Infinity @ 5,
BN 5, Section V, Salt Lake City,
Kolkata - 700 091.

2.The Branch Manager,
M/s. Bandhan Bank Ltd.,
1st Floor, T.N.P.K. Building,
Thadikombu Road,
Nr.SBT Bank,
Dindigul - 624 002,
Dindigul District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the E-Auction notice, dated 29.03.2022 and quash the same as devoid of merits consequently direct the respondents to handover the physical possession of the house property in Plot No.45, D.No.4/486, VPR Colony, Vadagarai Village, Keela Vadagarai Panchayat, Periyakulam - 625 601, Theni District, within the period stipulated by this Court.

For Petitioner
For Respondents

: Mr.S.Atham Ali
: Mr.G.Muthuraman

O R D E R

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

Heard Mr.S.Atham Ali, learned counsel appearing for the petitioner and Mr.G.Muthuraman, learned standing counsel appearing for the respondents.

2. Challenging the E-auction notice, dated 29.03.2022, issued by the respondents, the above writ petition is filed.



3. As the petitioner was inclined to deposit certain amount to show his bonafides, this Court at the time of admitting the writ petition, vide order dated 11.05.2022, directed the petitioner to deposit a sum of Rs.5,00,000/- on or before 17.05.2022. The above said order was complied with by the petitioner and the respondent bank acknowledged the receipt of Rs.5,00,000/- in terms of the conditional order.

4. The learned standing counsel appearing for the respondent bank says that still a sum of Rs.5,00,000/- and odd has to be paid by the petitioner and that may be directed to be paid within a stipulated period.

5. However, the learned counsel appearing for the petitioner says that the property which is sought to be sold through E-auction, is a residential building where the petitioner was residing along with his family members. Therefore, the learned counsel requests this Court, to direct the bank to hand over possession of the building to the petitioner as the petitioner has paid more than 50% of the amount due within a short span of time and the petitioner is also prepared to settle the entire dues, within three months in three equal installments.

6. Considering the facts and circumstances of the case, this Court is inclined to pass the following order:

"The petitioner is directed to pay the remaining amount in three equal installments, within a period of three months from this date. When the petitioner makes the first installment of 1/3rd of the remaining amount by thirty days from today, the respondent bank shall hand over possession of the residential building to the petitioner. The petitioner shall discharge the remaining amount by paying the sum equivalent to 1/3rd of the remaining amount on or before 15.08.2022 and the remaining 1/3rd amount on or before 15.09.2022."

With the above direction, the writ petition is disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

PM

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



To:

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+1 CC to M/s.S.ATHAM ALI, Advocate (SR-26495[F] dated 17/06/2022)
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