



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.05.2022

CORAM :

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.9980 of 2022
and
W.M.P. (MD) .No.7116 of 2022**

R.Ravishankar

...Petitioner

Vs.

1.The Debt Recovery Tribunal,
4th Floor, Kalyani Tower,
Melur Road,
Madurai.

2.The Authorized Officer,
Union Bank of India,
Asset Recovery Branch,
No.9, Elcanso Complex,
Casa Major Road,
Egmore,
Chennai - 600 008.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned E-auction Sale Notice in proceeding Ref: ARB: 73/2022-23 dated 30.04.2022 issued by the second respondent and quash the same as illegal.

For Petitioner : Mr.B.Prasanna Vinoth

For R-1 : Mr.M.Ashok Kumar,
Central Government Senior
Standing Counsel

For R-2 : Mr.N.Dilip Kumar,
Standing Counsel



O R D E R

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

This Writ Petition has been filed to quash the impugned E-auction Sale Notice dated 30.04.2022.

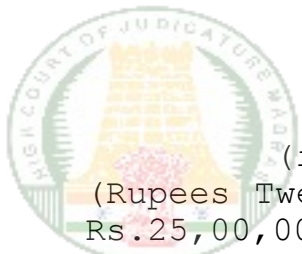
2. The petitioner and his wife availed loan facilities for sum of Rs.1,72,00,000/- (Rupees One Crore Seventy Two Lakhs only) for construction of marriage hall. The petitioner has given his dwelling house and other properties as security for the said loan. The loan was declared as "Non Performing Asset" in the year 2019. The second respondent has issued notice under Section 13(2) of SARFAESI Act on 06.07.2019 and Section 13(4) notice on 01.11.2019. Thereafter, the second respondent has approached the Chief Judicial Magistrate, Trichy in Crl.M.P.No.3893 of 2022 to take physical possession of the property and the same was ordered and the dwelling house of the petitioner's property alone was taken physical possession by the Advocate Commissioner. According to the petitioner, he has already paid Rs.47,00,000/- (Forty Seven Lakhs only). After receiving 13(4) notice, he had deposited Rs.10,00,000/- (Rupees Ten Lakhs only) on 11.05.2022. Thus, totally, the petitioner has paid Rs.57,00,000/- (Rupees Fifty Seven Lakhs only). The respondent has brought the property for E-auction on 22.10.2021, 20.01.2022 and 10.03.2022. As per the E-auction paper notice dated 28.12.2021, the outstanding amount on 01.11.2020 was a sum of Rs.1,77,86,244.46/-. In the meantime, the second respondent has issued the impugned sale notice dated 30.04.2022. Challenging the said E-auction notice, the present Writ Petition has been filed.

3. The learned counsel for the respondents submitted that as on today the total outstanding amount is Rs.2,01,00,000/- (Rupees Two Crore One Lakh only). The learned counsel for the petitioner submitted that he will pay Rs.1,00,00,000/- (Rupees One Crore only) and for the balance of Rs.1,01,00,000/- the petitioner seeks liberty to agitate before the appropriate forum. The learned counsel for the petitioner also submitted that the petitioner undertakes to pay Rs.20,00,000/- (Rupees Twenty Lakh only) tomorrow that is on 20.05.2022. The balance amount of Rs.80,00,000/- (Rupees Eighty Lakhs only) will be paid in three equal installments.

4. Therefore this Court is passing the following order:

(i) The petitioner shall pay Rs.20,00,000/- (Rupees Twenty Lakh only) on or before 23.05.2022.

(ii) If the petitioner paid Rs.20,00,000/- (Rupees Twenty Lakhs only) on 23.05.2022, the impugned sale notice dated 30.04.2022 shall be stayed.



(iii) The petitioner is directed to pay Rs.25,00,000/- (Rupees Twenty Five Lakhs only) on or before 30.06.2022 and another Rs.25,00,000/- (Rupees Twenty Five Lakhs only) on or before 30.07.2022 and the balance amount of Rs.30,00,000/- (Rupees Thirty Lakhs only) shall be paid on or before 30.08.2022.

(iv) In case, if the petitioner fails to pay in installments as stated supra, the respondents Bank is at liberty to proceed further to bring the mortgaged property for sale in accordance to law.

(v) The petitioner shall not seek any further extension for repaying the schedule amount stated supra.

(vi) For the balance amount of Rupees One Crore and One Lakh, the petitioner is at liberty to file petition before Debt Recovery Tribunal within a period of two (2) weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Vacation Officer/
Assistant Registrar(CS III)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

Nsr

To

1.The Debt Recovery Tribunal,
4th Floor, Kalyani Tower,
Melur Road, Madurai.

2.The Authorized Officer,
Union Bank of India,
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No.9, Elcanso Complex,
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Egmore, Chennai - 600 008.

+1 CC to M/s.N. DILIPKUMAR, Advocate (SR-23974[F] dated 20/05/2022)

+1 CC to M/s.M. ASHOK KUMAR, Advocate(SR-24022[F] dated 23/05/2022)

W. P (MD) No. 9980 of 2022

19.05.2022

MGJ(31.05.2022) 3P 5C