



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.10236 of 2022

and

W.M.P(MD) No.7265 of 2022

M/s.Matha Bio Fuels,
Rep. by its Prop.S.Antony,
21/2C, Kanchiyendal Road,
Paramakudi - 623 707,
Ramanathapuram District.

... Petitioner

Vs.

1.The Authorised Officer,
Tamilnadu Mercantile Bank Ltd.,
Madurai Regional Office,
30, Besant Road,
Chinna Chokkikulam,
Madurai - 625 002.

2.The Branch Manager,
Tamilnadu Mercantile Bank Ltd.,
Paramakudi Branch, Ramanathapuram District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the alleged impugned Auction Sale paper publication published in Thinathanthi Tamil Daily under Rule 8(6) of the Security Interest (Enforcement) Rules, 2002 issued by the first respondent dated 07.05.2022 and quash the same as illegal.

For Petitioner : Mr.D.Balamurugapandi
For Respondents : Mr.N.Dilip Kumar,
Standing Counsel

O R D E R

[Order of the Court was made by **ABDUL QUDDHOSE, J.**]

This writ petition has been filed challenging the auction sale
<https://hservices.ecourts.gov.in/hcservices/> notice dated 07.05.2022 issued by the first respondent under



Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

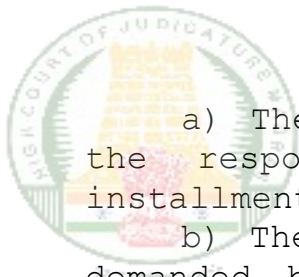
2. The petitioner has borrowed money from the respondent bank and has committed default. As per the impugned auction sale notice, a sum of Rs.47,38,436.22/- as on 30.04.2022 is due and payable by the petitioner to the respondent bank. However, learned counsel for the respondents, on instructions, would submit that as on date, a sum of Rs.49,50,000/- is the outstanding amount due and payable by the petitioner. The impugned auction notice is the second auction sale notice issued by the first respondent.

3. Learned counsel for the petitioner, on instructions, would submit that due to financial difficulties, the petitioner is unable to pay the entire amount as per the outstanding amount mentioned in the auction sale notice to the respondent bank. He would further submit that the petitioner is willing to pay Rupees Fifteen Lakhs to the respondent bank on or before the date of the auction fixed under the impugned auction sale notice which is on 31.05.2022. Insofar as the balance amount payable to the respondent bank is concerned, learned counsel for the petitioner, on instructions, would submit that the petitioner is willing to pay the amount within two months thereafter.

4. However, learned counsel for the respondent bank has placed before this Court an undertaking letter dated 20.04.2022 given by the petitioner to the respondent bank under which the petitioner has undertaken to pay the outstanding amount to the bank in two installments at the rate of 50% each. The first installment was agreed to be paid on or before 30.05.2022 and the second installment on or before 30.06.2022. However, learned counsel for the petitioner expressed difficulty for the petitioner to comply with the undertaking letter given to the bank on 20.04.2022.

5. Learned counsel for the respondent bank has also not raised any serious objection for the submissions made by the learned counsel for the petitioner with regard to the payment schedule.

6. After giving due consideration to the financial difficulties expressed by the petitioner in making the payment as per his own undertaking letter dated 20.04.2022 issued to the respondent bank, after giving due consideration to the submissions made by the respective counsels and after giving due consideration to the averments contained in the affidavit filed in support of this writ petition as well as the documents filed along with the same, the writ petition is disposed of by directing the writ petitioner to pay the following sums in the following manner to the respondent bank:-



a) The petitioner shall pay a sum of Rupees Fifteen Lakhs to the respondent bank on or before 31.05.2022 towards first installment.

b) The petitioner shall pay the balance outstanding amount as demanded by the respondent bank within a period of two months thereafter i.e., on or before 31.07.2022

c) On payment of a sum of Rupees Fifteen Lakhs by the petitioner to the respondent bank on or before 31.05.2022, the impugned auction notice shall be withdrawn by the respondent bank.

d) In the event of any default on the part of the petitioner in making the payments as stipulated supra, the respondent bank is at liberty to bring the mortgaged property for sale.

e) By consent of the petitioner, it is made clear that the petitioner shall not seek any further extension of time for making the payment.

7. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The Authorised Officer,
Tamilnadu Mercantile Bank Ltd.,
Madurai Regional Office,
30, Besant Road, Chinna Chokkikulam,
Madurai - 625 002.

2.The Branch Manager,
Tamilnadu Mercantile Bank Ltd.,
Paramakudi Branch, Ramanathapuram District.

+1 CC to M/s.D. BALAMURUGAPANDI, Advocate (SR-23764[F] dated 19/05/2022)

+1 CC to M/s.N. DILIPKUMAR, Advocate (SR-23969[F] dated 20/05/2022)

ORDER MADE IN
W.P[MD]No.10236 of 2022
19.05.2022

nsn(CO)

<https://hcservices.courts.gov.in/hcservices/> 3P 5C