



W.P.(MD)No.16293 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2022

CORAM:

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

W.P.(MD)No.16293 of 2022
and W.M.P.(MD) Nos.11771 and 11772 of 2022

Mahalakshmi

... Petitioner

Vs.

1.The Authorised Officer,
Tamilnad Mercantile Bank Ltd.,
Regional Office, Madurai.

2.The Branch Manager,
Tamilnad Mercantile Bank Ltd.,
Sayalgudi Branch,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records of the impugned sale notice dated 16.06.2022 issued by the 1st respondent and quash the same.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondents : Mr.N.Dilipkumar
Standing Counsel

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ORDER

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

This Writ Petition has been filed challenging the sale notice dated 16.06.2022, issued by the 1st respondent.

2. Heard Mr.P.T.Ramesh Raja, learned counsel for the petitioner and Mr.N.Dilipkumar, learned Standing Counsel for the respondents. By consent of both sides, this Writ Petition itself is taken up for final disposal at the time of admission.

3. It is brought to the notice of this Court, a sum of around Rs.34 Lakhs is due from the petitioner and the sale is deferred for want of bidders.

4. Learned counsel for the petitioner submitted that the petitioner is prepared to deposit Rs.5,00,000/- in two instalments, in case the respondent bank considers the petitioner's request for waiver of penal interest or for One Time Settlement or regularization of account.

5. Having regard to the peculiar facts and



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circumstances and the submissions of learned counsel on either side, this Writ Petition is disposed with a direction to the petitioner to pay a sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousands only) within a period of one week from the date of receipt of a copy of this order and a further sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousands only) within a period of six weeks therefrom directly to the respondent Bank. Upon payment of Rs.5,00,000/- as indicated above, within two weeks therefrom, it is open to petitioner to submit a representation to the respondents for waiver of penal interest or One Time Settlement or for re-scheduling of the loan. Till such time the respondents consider the representation of the petitioner and communicate the decision taken to the petitioner, the respondents shall not take any coercive action against the petitioner. In case, the petitioner fails to make the payments as indicated above, it is open to the respondent Bank to proceed further in accordance with law, ignoring the order of this Court. No costs. Consequently, connected Miscellaneous Petitions are closed.

[S.S.R., J.] [S.S.Y., J.]
25.07.2022

Index : Yes / No
sj



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S.S.SUNDAR, J.

and

S.SRIMATHY, J.

sj

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