



W.P.(MD) No.17088 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.(MD) No.17088 of 2022
and W.M.P.(MD)No.12456 of 2022**

Mrs.R.Revathi

... Petitioner

-VS-

1.The Authorized Officer,
Mahindra Rural Housing Finance Ltd.,
2/3, G.V.Towers, Melakal Main Road,
3rd Floor, Near New Passport Office,
Madurai – 625 016.

2.The Registrar,
Debts Recovery Tribunal, Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned auction sale notice issued by the 1st respondent dated 18.07.2022, quash the same and consequently direct the 1st respondent to fix the actual loan amount and reduce the rate of interest from the actual principal loan amount within the time that may be stipulated by this Court.



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For Petitioner : Mr.K.K.Maheesraja
For Respondents : Ms.B.Deepa for R1
No Appearance for R2

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

Challenging the impugned auction sale notice issued by the 1st respondent dated 18.07.2022 and also seeking for a direction to the 1st respondent to fix the actual loan amount and reduce the rate of interest from the actual principal loan amount, within a time frame, the petitioner has filed this Writ Petition.

2. Today, when the matter was taken up for hearing, the learned counsel appearing on either side submitted that the conditional order dated 02.08.2022 passed by this Court has been complied with.

3. The learned counsel for the petitioner submitted that the petitioner is inclined to submit OTS proposal to the 1st respondent – Bank and the same may be directed to be considered by the 1st respondent – Bank within a time frame.



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4. The learned counsel appearing for the 1st respondent – Bank submitted that if the petitioner makes an application seeking OTS proposal, the 1st respondent would consider the same positively.

5. Though this Court cannot issue any positive direction to the 1st respondent – Bank to consider the OTS proposal of the petitioner, in view of the above submission made by the learned counsel for the 1st respondent – Bank, this Writ Petition is disposed of leaving it open to the petitioner to file a necessary application, seeking OTS proposal, within a period of two weeks from the date of receipt of a copy of this order and on such filing, the 1st respondent - Bank may pass orders on the same on merits and in accordance with law, within a period of four (4) weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
16.11.2022

vsm



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R.MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

vsm

To

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