



W.P.(MD)No.17502 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2022

CORAM

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

W.P(MD)No.17502 of 2022
and
W.M.P.(MD)No.12724 of 2022

P.Jacqueline Marahatham

... Petitioner

Vs.

1.The Authorised Officer,
State Bank of India,
Sivagangai Branch,
Post Box No.1, Justice Rajasekaran Salai,
Sivagangai, Sivagangai District.

2.The Branch Manager,
State Bank of India,
Sivagangai Branch,
Post Box No.1, Justice Rajasekaran Salai,
Sivagangai, Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned e-auction sale notice issued by the respondents, dated 05.07.2022 whereby, it was decided to conduct the sale of the petitioner's property on 17.08.2022 between 11 am to 12 pm under Rule 8(2) of SARFAESI Rules, and to quash the same.

For Petitioner :Mr.A.Shajahan

For Respondents :Mr.R.Pandivel



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ORDER

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

This Writ Petition is filed challenging the impugned sale notice issued by the respondent bank, dated 05.07.2022.

2.Heard Mr.A.Shajahan, learned Counsel for the petitioner and Mr.R.Pandivel, learned Standing Counsel, who takes notice on behalf of respondents.

3.As against the total outstanding amount of Rs.36,62,214/- as on 03.07.2022, the learned Counsel for the petitioner states that the petitioner is prepared to pay 25% of the amount equivalent to the outstanding amount in four instalments. The learned Counsel for the petitioner also states that the sale is vitiated on account of certain irregularity.

4.Considering the facts and circumstances of the case and by consent of both parties, this Court is inclined to dispose of the Writ Petition with the following directions:

(1)The respondent bank shall defer the sale proceedings as per



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the impugned sale notice on condition that the petitioner pays a sum of Rs.2,00,000/- on or before 16.08.2022, a further sum of Rs.2,00,000/- on or before 16.09.2022, a further sum Rs.2,00,000/- on or before 17.10.2022, a further sum of Rs.2,00,000/- on or before 16.11.2022 and a further sum of Rs.1,20,000/- on or before 16.12.2022.

(2)In case the petitioner fails to pay any one of the instalments, in the manner directed above, it is open to the respondent bank to proceed further in accordance with law ignoring this order.

(3)In case the petitioner deposits the amount as directed above, the petitioner is permitted to submit a representation to the respondent bank either for waiver of penal interest or One Time Settlement or for restructuring the loan and other concession, as may be permissible under the guidelines of Reserve Bank of India or the norms applicable to the respondent bank and the respondent bank shall pass appropriate orders in accordance with law.

(4)Till an order is passed on the representation of the petitioner and the same is communicated to the petitioner, the respondent bank shall not initiate any coercive action against the properties of the petitioner.



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6.The Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [S.S.Y., J.]
11.08.2022

Index : Yes / No

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S.S.SUNDAR, J.

and

S.SRIMATHY, J.

cmr

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