



W.P.(MD)No.18312 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.08.2022

CORAM

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

W.P(MD)No.18312 of 2022
and
W.M.P(MD)No.13337 of 2022

Smt.Geetha Thalapathi

... Petitioner

Vs.

1. The Debts Recovery Tribunal
IV Floor,Kalyani Tower
Melur Road
Madurai

2. The Authorized Officer
Canara Bank
Trichy UDC Branch
3/184, Thanjavur Main Road,
Kattur, Trichy

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Writ of Certiorari, calling for the records pertaining to the impugned Auction Sale Notice issued by the 2nd respondent, dated 13.07.2022 fixing the date of Sale on 16.08.2022 for the subject property, under Section 13(4) of the SARFAESI Act, 2002, and quash the same.



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For Petitioner
For Respondents

:Mr.S.Suresh
:Mr.C.Deepak
Standing Counsel for Bank

ORDER

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

Challenging the impugned auction Sale notice issued by the second respondent, dated 13.07.2022 fixing the date of Sale, on 16.08.2022 for the subject property, under Section 13(4) of the SARFAESI Act, 2002, the above writ petition is filed.

2.Heard Mr.S.Suresh, learned counsel appearing for the petitioner and Mr.C.Deepak, learned Standing Counsel appearing for the respondents.

3.Considering the fact that the liability as on date is around Rs.78 lakhs and the value of the property is more than Rs.1.25 crore as on date, this Court is inclined to dispose of the writ petition in the following lines:-



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(i)The respondent Bank shall defer the sale of property pursuant to the impugned sale notice in the writ petition, on condition that the petitioner pays a sum of Rs.6.5 lakhs on or before 12.09.2022 and a further sum of Rs.6.5 lakhs on or before 12.10.2022 and a further sum of Rs.6.5 lakhs on or before 14.11.2022 directly to the respondent Bank.

(ii)When the petitioner make payment as indicated above, the respondent Bank is directed to consider the representation of the petitioner for One Time Settlement or for reconstruct the loan or for wavier of penal interest or for regularization of loan account and for other concessions, as may be permissible as per the norms of RBI applicable to the respondent Bank.

(iii)In case, the petitioner fails to make any one of the installments as indicated above, it is open to the respondent Bank to proceed further in accordance with law ignoring this order.

(iv)On making such payment, the respondent Bank shall consider and pass appropriate orders on the



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representation or proposal of the petitioner in accordance with

law and communicate the same to the petitioner.

(v)Till such time, the respondent Bank communicate the order, it shall not initiate any coercive action as against the petitioner. This Claim is also subject to the payments indicated above.

No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
12.08.2022

Index:Yes/No

Internet:Yes

aav/Ns

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