



W.P.(MD)No.19045 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2022

CORAM

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

W.P(MD)No.19045 of 2022
and
W.M.P.(MD)No.13912 of 2022

R.John Rose

... Petitioner

Vs.

1.The Authorized Officer,
City Union Bank Ltd.,
Administrative Office,
Kumbakonam-612 001.

2.The Branch Manager,
City Union Bank Ltd., Marthandam Branch,
Kanyakumari -629 165.

... 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 Tender-cum-Auction Sale notice in C.O./REC/NPA/2022-23, dated 21.07.2022 issued by the first respondent and to quash the same as illegal.

For Petitioner :Mr.R.Pon Karthikeyan

For Respondents :Mr.V.Maharajan



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ORDER

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

Challenging the impugned tender-cum-sale notice, dated 21.07.2022 fixing the date of auction on 29.08.2022, The present Writ Petition is filed.

2.Heard Mr.R.Pon Karthikeyan, learned Counsel for the petitioner and Mr.V.Maharajan, learned Counsel, who takes notice on behalf of the respondents. By consent of all parties, the present Writ Petition is taken up for final disposal at admission stage.

3.The petitioner states that he has mortgaged his house property for the loan, which he had availed for his business. Though it is the case of the petitioner that he was paying monthly instalments regularly and a sum of Rs.28,00,000/- has been paid sofar, due to COVID-19 pandemic, he face severe financial constraints. Now, the learned Counsel for the petitioner states that the petitioner is prepared to pay 25% of the total outstanding amount as on date within four months and pay a sum of Rs.3,50,000/- before 29.08.2022.

4.Considering the fact that the petitioner's dwelling house is put



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to auction and the petitioner undertakes to reduce the liability by 25% within four months, 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 the impugned sale notice on condition that the petitioner pays a sum of Rs.3,50,000/- on or before 29.08.2022, a further sum of Rs.3,50,000/- on or before 30.09.2022, a further sum of Rs.3,50,000/- on or before 30.10.2022 and a further sum of Rs.3,50,000/- on or before 30.11.2022.

(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 petitioner.



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5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
22.08.2022

Index : Yes / No

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and

S.SRIMATHY, J.

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