



W.P.(MD)No.19130 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.19130 of 2022
and
W.M.P.(MD)No.13963 of 2022

T.Srinivasan

... Petitioner

Vs.

1.The Authorized Officer,
State Bank of India,
No.8, Dr.Ambedkar Road,
Vinayaga Nagar Branch First Floor,
Madurai-625 020.

2.The Branch Manager,
State Bank of India,
Karaikudi Town Branch,
Sivagangai District-630 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records in pursuant to the impugned sale notice issued by the first respondent, dated 13.07.2022 and to quash the same.

For Petitioner :Mr.S.M.Mohan Gandhi

For Respondents :Mr.D.Srinivasan



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ORDER

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

This Writ Petition is filed challenging the auction-cum-sale notice, dated 13.07.2022 fixing the date of auction on 25.08.2022, the above Writ Petition is filed.

2.Heard Mr.S.M.Mohan Gandhi, learned Counsel for the petitioner and Mr.D.Srinivasan, learned Counsel, who takes notice on behalf of the respondents. By consent of both parties, the present Writ Petition is taken up for final disposal at admission stage.

3.The learned Counsel for the petitioner admits that as on date, the total liability is around Rs.76,00,000/-. The learned Counsel for the petitioner states that the petitioner was unable to pay the EMIs, as per the schedule on account of COVID-19 pandemic. However, from the records, it is seen that the petitioner has committed default from 2019 even before the COVID-19 pandemic starts.

4.The learned Counsel for the respondents filed a detailed counter affidavit and states that the petitioner cannot be shown any indulgence, as the petitioner has the audacity to demand the bank to



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settle the amount by accepting a sum of Rs.25,00,000/-. However, the learned Counsel for the petitioner denies the statement of the learned Counsel for the respondents and states that the petitioner is prepared to deposit a sum equivalent to 25% of the total outstanding amount within a period of three months.

5.Considering the total outstanding amount, the learned Counsel for the respondents insists that the petitioner may pay substantial amount before the date of auction, ie., on 25.08.2022.

6.Considering the facts and circumstances of the case, 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.2,50,000/- on or before 25.08.2022, a further sum of Rs.5,50,000/- on or before 25.09.2022, a further sum of Rs.5,50,000/- on or before 26.10.2022 and a further sum of Rs.5,50,000/- on or before 25.11.2022.

(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.



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(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.

7.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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