



W.P.(MD) No.20080 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.20080 of 2022
and W.M.P.(MD)No.14611 of 2022

Mr.F.Sahayaraj

... Petitioner

Vs.

The Authorized Officer / Chief Manager,
Tamilnad Mercantile Bank Ltd.,
Palayamkottai Branch,
Water Tank Road,
St. Johns's College Campus,
Palayamkottai – 627 002,
Tirunelveli.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to forbear to E-Auction the petitioner's properties which is situated in Tirunelveli District, Palayamkottai



W.P.(MD) No.20080 of 2022

WEB COURT

Registration District, Palayamkottai Sub Registration Office, Palayamkottai Taluk, Tirunelveli Municipal Corporation Ward No.18, Vijayaragava Mudhaliar Chathiram Village, St.Thomas Road, Survey No.47-50, New Survey No.213 Plot No.C24, land measuring 06.20 cents, on the basis of Intended E-Auction Sale Notice, dated 18.07.2022 issued by the respondent to consider petitioner's representation, dated 10.08.2022.

For Petitioner : Mr.R.M.Suresh

For Respondent : Mr.N.Dilipkumar,
Standing Counsel

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Challenging the impugned E-Auction sale notice dated 18.07.2022 and also seeking for a consequential direction to the respondent to consider his representation dated 10.08.2022, the petitioner has filed this Writ Petition.

2. When matter came up for admission on 26.08.2022, this Court has passed the conditional interim order. The learned counsel for the petitioner has

Page 2 of 6



W.P.(MD) No.20080 of 2022

filed a memo dated 12.12.2022, before this Court stating that the conditional interim order passed by this Court has been complied with.

3. The learned counsel appearing for the respondent bank submitted that the entire outstanding amount as on 14.12.2022 is at Rs.16,45,857/-

4. The learned counsel appearing for the petitioner undertakes to pay the the entire outstanding amount within eight consecutive equal monthly installments, commencing from January 2023. The learned counsel appearing for the respondent has objected for giving such a long time.

5. Considering the submissions made by both sides, we direct the petitioner to pay the entire outstanding amount as on 14.12.2022, in six consecutive equal monthly installments, commencing from January 2023. The monthly installments shall be paid on or before the 5th day of every English Calender month. The last installment viz., the 6th installment shall be paid along with accrued interest. Till such time, the second respondent bank shall not take



W.P.(MD) No.20080 of 2022

any coercive action against the petitioner. If the petitioner fails to pay the amount in any one of the installments, the respondent bank may proceed further in accordance with law.

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

[D.K.K., J.] [R.V., J.]

19.12.2022

Index : Yes / No

Internet : Yes / No

vsm

Note: Issue order copy on 22.12.2022



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W.P.(MD) No.20080 of 2022

To

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