



W.P.(MD)No.19265 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.08.2022

CORAM

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

W.P(MD)No.19265 of 2022
and
W.M.P.(MD)Nos.14054 of 2022

S.Kannan

... Petitioner

Vs.

1.The Authorized Officer,
State Bank of India,
Sholavandan Branch,
43, North Car Street,
Sholavandan,
Madurai District.

2.The Branch Manager,
State Bank of India,
Sholavandan Branch,
43, North Car Street,
Sholavandan,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari, to call for records relating to the impugned sale notice dated 22.07.2022, issued by the 1st respondent, and quash the same.

For Petitioner : Mr.M.Arun Murugan
For Respondents : Mr.T.Govindasamy
Standing Counsel

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ORDER

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

Challenging the E-Auction Sale Notice, dated 22.07.2022, fixing the date of sale on 30.08.2022 between 1.00 p.m. to 2.00 p.m., the above Writ Petition is filed.

2. Heard Mr.M.Arun Murugan, learned counsel for the petitioner and Mr.T.Govindasamy, learned Standing Counsel for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. As per the sale notice, the total outstanding as on 19.07.2022 is around Rs.33 lakhs. Learned counsel appearing for the petitioner submits that the sale notice is vitiated for wrong description of property. It is his case that the property of the petitioner is a three storied building with more than 3000 sq.ft. of construction area comprised in two survey numbers at Muthuthevar Colony, Virattipathu, Kochadai Village, Madurai South Taluk, Madurai District. However, the property has been described as a land and building measuring an extent of 1196 ¼ sq.ft. As seen



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from the sale notice, the entire area of the building or the size of the building is not indicated. Learned counsel for the petitioner further states that the petitioner is prepared to pay 25% of the total outstanding as on date in case the sale is deferred by the order of this Court.

4. Considering the various facts and circumstances and the submissions of learned counsel on either side, this Court is of the view that the petitioner can be shown some indulgence. Hence, this Court is inclined to dispose of the Writ Petition in the following lines:-

(i) The respondent bank is directed to defer the sale, provided the petitioner pays a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) on or before 1.00 p.m. on 30.08.2022, a sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) on or before 30.09.2022, a sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) on or before 31.10.2022 and a further sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) on or before 30.11.2022.



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(ii) In case the petitioner commits any default in paying any one of the instalments, it is open to the respondent Bank to proceed further in accordance with law ignoring this order. The secured asset shall be properly described in case the respondent needs to proceed further in case of default.

(iii) If the petitioner makes payments as indicated above, he may approach the bank and submit a representation within a period of two weeks from the payment of last instalment either for waiver of penal interest or for One Time Settlement or for restructuring the loan or for any other concession, as may be permissible as per the guidelines of Reserve Bank of India or the norms applicable to the respondent bank.

(iv) The respondent bank shall consider the same and pass appropriate orders in accordance with law.

(v) Till such time, the respondent bank consider the representation of the petitioner and communicate the decision taken to the petitioner, the respondent bank shall not initiate any coercive action against the petitioner.



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

[S.S.S.R., J.] [S.S.Y., J.]
25.08.2022

Index : Yes / No

sj

Note: Issue copy on 29.08.2022



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S.S.SUNDAR, J.

and

S.SRIMATHY, J.

sj

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