



W.P.(MD)No.19701 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 25.08.2022

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

W.P.(MD)No.19701 of 2022  
and  
W.M.P(MD)Nos.14379 and 14380 of 2022

1.Mrs.J.Manjula  
2.Mr.J.Selvaraj  
3.J.Mohanraj

... Petitioners

Vs.

1.The Debts Recovery Tribunal,  
IV, Floor, Kalyani Tower,  
Melur Road, Madurail.  
  
2.The Authorised Officer,  
Tamilnadu Mercantile Bank Ltd.,  
Kalloorani Branch,  
No.109, Sayalkudi Road,  
Kalloorani,  
Virudhunagar District.

... 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 auction sale notice of the 2<sup>nd</sup> respondent dated 20.07.2022



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fixing the date of sale on 24.08.2022 issued under Section 13(4) of the SARFAESI Act 2002 and quash the same.

For Petitioners :Mr.S.Suresh  
For Respondents :Mr.N.Dilipkumar  
Standing Counsel for Bank

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### **ORDER**

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

This Writ Petition is filed challenging the sale of some of the secured assets of the petitioner fixing the auction date on 24.08.2022.

2.In the course of hearing, the learned counsel for the petitioner states that there was previous sale notice bringing two other items of the secured assets to auction sale and the petitioner obtained interim order before the Tribunal in S.A.No.185 of 2022 on condition to deposit certain amount. It is further stated that a sum of Rs.35 lakhs was deposited by the petitioner pursuant to the interim order and that the stay is in force as on date. The sale notice impugned in this writ petition is in respect of other properties.



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3.The learned counsel appearing for the respondent Bank states that there was no bidder and the sale of did not go through. Therefore, the prayer sought for in the writ petition has become infructuous.

4.The learned counsel appearing for he petitioners seeks permission to approach the respondent bank for one time settlement and to direct them to defer the coercive action till such time, they consider the representation of the petitioners.

5.Having regard to the status and circumstances of the case, this Court is inclined to dispose of the writ petition in the following lines:

(a)This Writ Petition is dismissed as infructuous, as there was no sale, pursuant to the impugned sale notice.

(b)The petitioner is permitted to approach the respondent Bank for One Time Settlement or for restructuring 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.



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(c)In the event a representation is submitted by the petitioners

within a period of two weeks from the date of receipt of a copy of this order, the respondent Bank is directed to consider the same and pass appropriate orders within a period of four weeks from the date of receipt of such representation. Till such time, the respondent Bank communicate the decision, it shall not initiate any coercive action as against the petitioners.

No costs. Consequently, connected miscellaneous petitions are closed.

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

Index:Yes/No

Internet:Yes

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To

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