



W.P.(MD)No.19606 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:25.08.2022

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

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and

W.M.P.(MD)No.14313 of 2022

P.Sarvanakumar,  
Proprietor of M/s.Thoorigai Engineers and Developers,  
Madurai – 625 017.

... Petitioner

Vs

1.The Authorised Officer,  
Canara Bank,  
Tallakulam Branch,  
Madurai – 625 002.

2.Canara Bank,  
Tallakulam Branch,  
Rep. by its Branch Manager,  
96, Second Floor,  
Alagrkoil Main Road,  
Opp. to American College,  
Thallakulam,  
Madurai – 625 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari to call for the records on the file of the first respondent and quash the impugned sale notice dated 27.07.2022 in Proceedings NIL and quash the same as illegal, incompetent, unconstitutional and without jurisdiction.



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For Petitioner : Mr.M.Mohamed Sherbudeen  
For Respondents : Mr.Madhan Alexander  
Standing Counsel

\* \* \*

### **ORDER**

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

Challenging the sale notice, 29.07.2022, issued by the first respondent, fixing the date of auction on 30.08.2022, the above writ petition is filed.

2. Heard Mr.M.Mohamed Sherbudeen, learned counsel for the petitioner and Mr.Madhan Alexander, 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. The fact that the petitioner availed a loan for completing the work undertaken by him as a Contractor and the default committed by him, are not in issue. The total outstanding as on date is Rs.2.5 Crores.

4. The learned counsel appearing for the petitioner though alleges some irregularities. This Court is not inclined to go into the details having



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regard to the nature of the order that is proposed to be passed. Learned counsel

appearing for the petitioner submits that the petitioner is prepared to pay 25% of the total outstanding as on date in four equal monthly instalments without touching the secured assets, in case the sale is deferred at least for four months.

5. The learned counsel representing the learned standing counsel for the respondents bank, has raised some objections for the same.

6. Considering the fact that the petitioner is willing to reduce the total outstanding by 25% and the security offered by the petitioner is intact, this Court is inclined to dispose of the Writ Petition in the following lines:-

(i) The respondent bank is directed to defer the sale for the present, provided the petitioner pays a sum of Rs.15,00,000/- on or before 26.09.2022, a sum of Rs.15,00,000/- on or before 26.10.2022, a sum of Rs.16,00,000/- on or before 24.11.2022 and a further sum of Rs.16,00,000/- on or before 23.12.2022.

(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.



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(iii) If the petitioner makes payment 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 under 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.

7. 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.]

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Index : Yes / No

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and

**S.SRIMATHY, J.**

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