



W.P.(MD)No.20357 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2022

CORAM

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

W.P(MD)No.20357 of 2022
and
W.M.P.(MD)Nos.14751 and 14753 of 2022

Ramakrishnan

... Petitioner

Vs.

The Authorised Officer,
Canara Bank, Nagal Nagar Branch-II,
Dindigul District.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned tender e-auction sale notice, dated 21.07.2022 vide the paper publication in "Daily Thanthi", dated 22.07.2022 issued by the respondent therein fixing the e-auction sale on 29.08.2022 with respect to auctioning of the petitioner's house property as mentioned in the said impugned notice and to quash the same.

For Petitioner :Mr.J.Imran Khan

For Respondent :Mr.V.Pandivel



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ORDER

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

Challenging the impugned e-auction sale notice, dated 21.07.2022 issued by the respondent fixing the e-auction sale on 29.08.2022, the present Writ Petition is filed.

2.Heard Mr.J.Imraj Khan, learned Counsel for the petitioner and Mr.R.Pandivel, learned Counsel, who takes notice for the respondent. By consent of both parties, the present Writ Petition is taken up for final disposal at admission stage.

3.The learned Counsel for the respondent bank states that the sale has not taken place for want of bidders, even though it was scheduled on 29.08.2022. The learned Counsel for the respondent, however, states that the petitioner challenges the previous sale notice before this Court in W.P.(MD)No.12640 of 2022 and obtained an order of stay on condition that he will deposit some amount. It is his case that the petitioner though complied with the said condition by paying the first instalment, did not pay any amount subsequently.

4.Having regard to the fact that the sale has not taken place



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and the respondent bank may have to issue fresh notice, this Court is of the view that the prayer has become infructuous and hence, this Writ Petition is dismissed as infructuous.

5.The learned Counsel for the petitioner states that the petitioner should be given an opportunity to submit a representation for one time settlement, as the petitioner is willing to pay substantial amount to reduce the liability by 25%.

6.Considering the facts and circumstances of the case, the petitioner is permitted to pay a sum of Rs.1,75,000/- within a period of four weeks. After paying the said sum within the time, the petitioner is permitted to submit a fresh representation seeking waiver of penal interest or for one time settlement or for any other concession as per the guidelines of Reserve Bank of India or the norms applicable to the respondent bank within a period of two weeks from the date of depositing such amount. The representation of the petitioner shall be considered by the respondent bank on merits and in accordance with law. Till such time, the representation of the petitioner is considered and a decision on the representation of the petitioner is taken and communicated to the petitioner, the respondent bank shall not take any coercive steps against the petitioner or against the secured asset. In



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case the petitioner does not pay any one of the instalments within the stipulated time prescribed by this Court, it is open to the respondent bank to proceed further in accordance with law ignoring this order.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [S.S.Y., J.]
30.08.2022

Index : Yes / No

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and

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