



W.P.(MD)No.20483 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2022

CORAM

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

W.P(MD)No.20483 of 2022
and
W.M.P.(MD)No.14826 of 2022

Amuthavalli

... Petitioner

Vs.

1.The Authorised Officer,
City Union Bank Ltd.,
Thanjavur District.

2.The Branch Manager,
City Union Bank Ltd.,
Theni District.

... Respondents

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 cum auction sale notice, dated 02.08.2022 issued by the first respondent and to quash the same as illegal.

For Petitioner :Mr.T.Veerakumar

For Respondents :Mr.Pandivel



W.P.(MD)No.20483 of 2022

ORDER

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

This Writ Petition is filed for issuance of a Writ of Certioari to quash the impugned tender cum auction sale notice, dated 02.08.2022 issued by the first respondent.

2.Heard Mr.T.Veerakumar, learned Counsel for the petitioner and Mr.Pandivel, learned Counsel, who takes notice on behalf of the respondents. By consent of both parties, the present Writ Petition is taken up for final disposal at admission stage.

3.The learned Counsel for the petitioner states that the petitioner is prepared to reduce the liability by 25%, provided the respondent defer the further proceedings pursuant to the impugned sale notice.

4.The learned Counsel for the respondent bank states that the total outstanding amount as on date is around Rs.38,28,754/-. The learned Counsel for the respondent bank has serious objection to entertain this Writ Petition mainly on the ground that the Writ Petitioner has committed default and did not make payment pursuant to the



W.P.(MD)No.20483 of 2022

demand notice or possession notice.

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5.Having regard to the facts and circumstances of the case, this Court is inclined to dispose of the Writ Petition with the following directions:

(1)The respondent bank shall defer the sale proceedings pursuant to the impugned notice, dated 02.08.2022, provided the petitioner pays a sum of Rs.9,60,000/- before the end of December 2022. Out of the sum of Rs.9,60,000/-, the petitioner is directed to pay a sum of Rs.1,60,000/- on or before 14.09.2022, a further sum of Rs.2,00,000/- on or before 15.10.2022, a further sum of Rs.2,00,000/- on or before 15.11.2022, and a further sum of Rs.2,00,000/- on or before 15.12.2022. The balance sum shall be paid by the petitioner on or before 31.12.2022.

(2)In case the petitioner fails to pay any one of the instalments, in the manner directed above, it is open to the respondent bank to proceed further in accordance with law ignoring this order.

(3)In case the petitioner deposits the amount as directed above, the petitioner is permitted to submit a representation to the respondent bank either for waiver of penal interest or One Time Settlement or for restructuring the loan and other concession, as may be permissible under the guidelines of Reserve Bank of India or the norms applicable to the respondent bank and the respondent bank shall pass appropriate orders



W.P.(MD)No.20483 of 2022

in accordance with law.

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(4)Till an order is passed on the representation of the petitioner and the same is communicated to the petitioner, the respondent bank shall not initiate any coercive action against the petitioner.

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

[S.S.S.R., J.] [S.S.Y., J.]
01.09.2022

Index : Yes / No

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W.P.(MD)No.20483 of 2022

S.S.SUNDAR, J.

and

S.SRIMATHY, J.

cmr

W.P(MD)No.20483 of 2022

01.09.2022