



W.P(MD)No.21088 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2022

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.21088 of 2022
and
W.M.P(MD).Nos.15317 and 15318 of 2022

Tamilarasi

... Petitioner

Vs.

1. The Authorised Office,
Repco Home Finance Limited,
71, 1st Floor, Kumbakonam – 612 001,
Thanjavur District.

2. The Branch Manager,
Repco Home Finance Limited,
71, 1st Floor, Kumbakonam – 612 001,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned E-auction sale notice dated 30.07.2022 issued to the petitioner by the respondents 1 and 2 and to quash the same.

For Petitioner : Mr.D.Bala Murugapandi

For Respondents : Mr.B.Rajesh Saravanan
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 impugned E-Auction sale notice issued by the respondent bank, dated 30.07.2022.

2. Heard Mr.D.Bala Murugapandi, learned counsel appearing for the petitioner and Mr.B.Rajesh Saravanan, learned Standing Counsel for the respondent Bank.

3. As against the total outstanding amount of Rs.8,79,792/- (Rupees Eight Lakhs Seventy Nine Thousand Seven Hundred and Ninety Two only) as on 29.07.2022, the learned Counsel for the petitioner states that the petitioner is prepared to pay 25% of the amount due within a period of four months in equal monthly installments.

4. Considering the facts and circumstances of the case and by consent of both the parties, this Court is inclined to dispose of the Writ Petition with the following directions:



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(i) The respondent bank shall defer the sale proceedings as per the impugned E-Auction sale notice, dated 30.07.2022, on condition that the petitioner pays a sum of Rs.45,000/- (Rupees Forty Five Thousand only) on or before **30.09.2022**; a further sum of Rs.45,000/- (Rupees Forty Five Thousand only) on or before **31.10.2022**; a further sum of Rs.45,000/- (Rupees Forty Five Thousand only) on or before **30.11.2022** and a further sum of Rs.45,000/- (Rupees Forty Five Thousand only) on or before **31.12.2022**;

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

(iii) 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 for One Time Settlement or for restructuring the loan and other concessions, as may be permissible under the guidelines of the Reserve Bank of India or the norms applicable to the respondent Bank and the respondent Bank shall pass appropriate orders in accordance with law; and



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(iv) Till such 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 or the properties of the petitioner.

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.]
02.09.2022

Index : Yes/No
Internet : Yes
ssb



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To

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S.S.SUNDAR, J.
AND
S.SRIMATHY, J.

ssb

ORDER MADE IN
W.P(MD)No.21088 of 2022
and
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