



W.P.(MD)No.20893 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.09.2022

CORAM

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

W.P.(MD)No.20893 of 2022

and

W.M.P.(MD)No.15138 of 2022

Mrs.Rahmath Nisha,
Parner,
M/s.Star Snacks

... Petitioner

Vs.

- 1.The Authorized Officer,
Tamilnad Mercantile Bank Ltd.,
Reddiarpatti Branch,
No.188/1-B, Main Road,
Reddiarpatti – 627 007,
Tirunelveli.
- 2.Tamilnad Mercantile Bank Ltd.,
Rep. by its Branch Manager,
Reddiatpatti Branch,
No.188/1-B, Main Road,
Reddiarpatti – 627 007,
Tirunelveli.
- 3.Debts Recovery Tribunal – Madurai,
Rep. by the Registrar,
III & IV Floor, Kalyani Towers,
4/162 Madurai – Melur Road,
(Near Meenakshi Mission Hospital),
Uthangudi Post,
Madurai – 625 107.

.... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari, calling for the records pertaining to the Sale notice dated 26.08.2022 issued by the first respondent and quash the same.

For Petitioner : Mr.V.Veerapandian, for
M/s.Vast Law Associates

For Respondents :Mr.N.Dilip Kumar(For R-1 & R-2)
Standing Counsel

* * *

ORDER

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

Challenging the sale notice, dated 26.08.2022, issued by the 1st respondent, the above Writ Petition is filed.

2. Heard Mr.V.Veerapandian for M/s.Vast Law Associates, learned counsel for the petitioner and Mr.N.Dilip Kumar, learned Standing Counsel for the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. It is admitted that as on 31.07.2022, the total outstanding is Rs.22,14,344/-. 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 in case the sale is deferred for the present.

4. Considering the various facts and circumstances and the submissions of learned counsel for the petitioner, this Court is of the view that the petitioner can be shown some indulgence. Hence, 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.1,05,000/- on or before 30.09.2022, a sum of Rs.1,50,000/- on or before 31.10.2022, a sum of Rs.1,50,000/- on or before 30.11.2022 and a further sum of Rs.1,50,000/- on or before 31.12.2022.

(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.

(iii) If the petitioner makes payment as indicated above, she may approach the bank and submit a representation



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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 as per 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.

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

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and

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