



W.P(MD)No.21107 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.21107 of 2022
and
W.M.P(MD).Nos.15321 and 15322 of 2022**

Suresh

... Petitioner

Vs.

1. The Authorised Officer,
M/s.HDFC Limited,
HDFC House,
Post Box No.2288,
Vazhuthacaud,
Tiruvanathapuram – 695 010.

2. The Branch Manager,
M/s.HDFC Finance Company Limited,
1st Floor, Raja Tower,
Opposite to Palayamkottai Bus Stand,
Palayamkottai,
Tirunelveli District – 627 002.

... 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 auction sale notice issued by the first respondent on 14.08.2022 and quash the same as illegal.



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For Petitioner : Mr.S.Muniyandi
For Respondents : Mr.Pala Ramasamy
Standing Counsel for Bank

ORDER

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

This Writ Petition is filed challenging the impugned auction sale notice issued by the respondent bank, dated 14.08.2022.

2. Heard Mr.S.Muniyandi, learned counsel appearing for the petitioner and Mr.Pala Ramasamy, learned Standing Counsel for the respondent Bank.

3. As against the total outstanding amount of Rs.10,25,959/- (Rupees Ten Lakhs Twenty Five Thousand Nine Hundred and Fifty Nine only) as on date, 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.



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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:

(i) The respondent bank shall defer the sale proceedings as per the impugned auction sale notice, dated 14.08.2022, on condition that the petitioner pays a sum of Rs.62,000/- (Rupees Sixty Two Thousand only) on or before **30.09.2022**; a further sum of Rs.62,000/- (Rupees Sixty Two Thousand only) on or before **31.10.2022**; a further sum of Rs. 62,000/- (Rupees Sixty Two Thousand only) on or before **30.11.2022** and a further sum of Rs.62,000/- (Rupees Sixty Two 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



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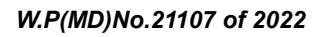
the guidelines of the Reserve Bank of India or the norms applicable to the respondent Bank and the respondent Bank shall pass appropriate orders in accordance with law; and

(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 petitions are closed.

[S.S.S.R., J.] [S.S.Y., J.]
02.09.2022

Index : Yes/No
Internet : Yes
ssb



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ORDER MADE IN
W.P(MD)No.21107 of 2022
and
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