



W.P(MD)No.27635 of 2022

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 07.12.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR  
and  
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.27635 of 2022  
and  
W.M.P(MD)No.21749 of 2022**

S.Narayanan

... Petitioner

VS.

The Authorized Officer,  
Tamil Nadu Mercantile Bank Limited,  
Siruthondanallur Branch,  
No.10/50-B, Eral Sawyerpuram Main Road,  
Siruthondanallur,  
Thoothukudi – 628 802.

... Respondent

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari Mandamus, to call for the records pertaining to the impugned sale notice dated 05.11.2022 issued by the respondent and quash the same as illegal and consequently direct the respondent Bank to give breathing time and accept part payment and thereby reclassify the loan account as performing account.

For Petitioner : Mr.G.Sakthi Rao

For Respondent : Mr.Thevan



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**ORDER**

**(Order of the Court was made by D. KRISHNAKUMAR, J.)**

Mr.Thevan, learned counsel takes notice for the respondent. By consent of both the parties, the Writ Petition is taken up for final disposal at the time of admission itself.

2.Challenging the impugned sale notice, dated 05.11.2022 issued by the respondent, the petitioner has filed the present Writ Petition.

3.According to the petitioner, he availed a loan from the respondent Bank for a sum of Rs.5,00,000/- by mortgaging his house property in the year 2016. Since the petitioner committed default in paying the monthly instalments, his account was classified as NPA. Thereafter, the respondent Bank issued auction sale notice on 05.11.2022 for non-payment of the amount of Rs.9,30,130.90/- and fixed the date of sale on 09.12.2022. The said impugned sale notice is challenged in this Writ Petition.



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4.The learned counsel appearing for the petitioner has fairly submitted that the petitioner undertakes to pay 20% of the outstanding due amount as on today to the respondent Bank on or before 07.01.2023 and the remaining entire outstanding amount in three consecutive equal monthly instalments and the same shall be paid on or before 7<sup>th</sup> day of every English Calendar month until the entire payment is made and to that extent, he seeks indulgence of this Court to consider the request made by the petitioner, for which, the learned counsel appearing for the respondent is agreeable, however, with liberty to the respondent Bank to proceed against the petitioner in case of default in payment of any one of the instalments.

5.Considering the submissions made on either side, the petitioner is directed to pay 20% of the outstanding due amount as on date, on or before 07.01.2023 and the remaining outstanding amount shall be paid in three consecutive equal monthly instalments. The first instalment shall be paid on or before 07.02.2023 and the subsequent two instalments shall be paid on or before 7<sup>th</sup> day of every English Calendar month until the entire payment is made. Till such time, no coercive steps shall be taken by



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the respondent. If the petitioner fails to pay the amount in any one of the instalments, the respondent Bank may proceed further in accordance with law.

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

**[D.K.K.,J.] [R.V.,J.]**  
**07.12.2022**

Index : Yes / No  
Internet : Yes  
ps

To

The Authorized Officer,  
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**D. KRISHNAKUMAR,J.**  
**and**  
**R.VIJAYAKUMAR,J.**

ps

**ORDER MADE IN**  
**W.P(MD)No.27635 of 2022**

**DATED : 07.12.2022**