



W.P(MD)No.27869 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2022

CORAM:

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

**W.P(MD)No.27869 of 2022
and
W.M.P(MD)No.21952 of 2022**

K.Selvam

... Petitioner

VS.

1.The Authorized Officer,
Tamil Nadu Mercantile Bank Limited,
Madurai Regional Office,
30, Besant Road,
Chinna Chokkikulam,
Madurai – 625 002.

2.The Branch Manager,
Tamil Nadu Mercantile Bank Limited,
Mayiladumparai Branch,
41-E, Ground Floor, Nagar Complex,
Mayiladumparai,
Theni District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Ceritorari, to call for the records of the impugned sale notice dated 28.11.2022 issued by the first respondent and quash the same.



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For Petitioner : Mr.J.M.Arvind Pawlraj

For Respondents : Mr.Thevan

ORDER

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

Mr.Thevan, learned counsel takes notice for the respondents. 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 28.11.2022 issued by the first respondent, the petitioner has filed the present Writ Petition.

3.The learned counsel appearing for the petitioner submitted that earlier the respondent issued a sale notice, dated 13.12.2021 and the same was challenged by the petitioner in S.A.No.624 of 2021 before the Debts Recovery Tribunal, Madurai. The Debts Recovery Tribunal, Madurai, by an order, dated 31.12.2021 granted an order of interim stay subject to the payment of Rs.4,00,000/- to the respondent Bank and the said amount has



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been paid. Subsequently, no sale was conducted and the Tribunal, by an order, dated 11.11.2022, dismissed the said S.A.No.624 of 2021 as infructuous. Now, the first respondent Bank has issued the impugned sale notice, dated 28.11.2022 by fixing the date of sale on 15.12.2022. Challenging the said impugned sale notice, the petitioner has filed the present Writ Petition.

3.The learned counsel appearing for the petitioner has fairly submitted that the petitioner undertakes to pay a sum of Rs.50,000/- on or before 15.12.2022 and the remaining entire outstanding amount in five consecutive equal monthly instalments and the same shall be paid on or before 15th 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 respondents 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.

4.Considering the submissions made on either side, the petitioner is directed to pay a sum of Rs.50,000/- (Rupees Fifty Thousand



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Only) on or before 15.12.2022 and the remaining outstanding amount shall be paid in five consecutive equal monthly instalments. The first instalment shall be paid on or before 15.01.2023 and the subsequent four instalments shall be paid on or before 15th day of every English Calendar month until the entire payment is made. Till such time, no coercive steps shall be taken by 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.

5. 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.]
12.12.2022

Index : Yes / No
Internet : Yes
ps



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D. KRISHNAKUMAR,J.
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ORDER MADE IN
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DATED : 12.12.2022