



W.P(MD)No.28709 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2022

CORAM:

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

**W.P(MD)No.28709 of 2022
and
W.M.P(MD)No.22698 of 2022**

Thangam Super Market,
Proprietor,
S.Habeep Mohammed,
S/o.Sultan @ Sarbudeen,
No.425, Thirupattur Road,
Saraswathy Theatre Complex,
Devakottai,
Sivagangai District.

... Petitioner

VS.

The Authorized Officer,
State Bank of India,
Devakottai Branch,
No.14, Bus Stand Street,
Devakottai,
Sivagangai.

... Respondent

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 in the impugned e-auction sale notice dated 21.11.2022 on the file of the respondent.



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For Petitioner : Mr.S.Kumar
For Respondent : Mr.N.Dilip Kumar
Standing Counsel

ORDER

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

Mr.N.Dilip Kumar, learned standing 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 21.11.2022 issued by the respondent, the petitioner has filed the present Writ Petition.

3.Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner has fairly submitted that the petitioner undertakes to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) on or before 26.12.2022 and the remaining entire outstanding amount in four consecutive equal monthly instalments and the same shall be paid on or before 30th day of every English Calendar month until the entire payment is



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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.

4.Considering the submissions made on either side, we direct that the sale as scheduled may go on, but confirmation of the sale shall not be done. The petitioner is directed to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) on or before 26.12.2022 and the remaining outstanding amount shall be paid in four consecutive equal monthly instalments. The first instalment shall be paid on or before 30.01.2023 and the subsequent three instalments shall be paid on or before 30th 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.



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WEB COPY 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.]
22.12.2022

Index : Yes / No
Internet : Yes
ps

To

The Authorized Officer,
State Bank of India,
Devakottai Branch,
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Sivagangai.



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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.28709 of 2022

DATED : 22.12.2022