



W.P.(MD) No.29092 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.29092 of 2022
and W.M.P.(MD)Nos.23063 & 23064 of 2022

Mohammed Izathin

... Petitioner

Vs.

The Authorised Officer,
Tamilnadu Mercantile Bank Ltd.,
Regional Office,
Madurai (For Chinnalapatti Branch).

.... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned sale notice issued by the respondent dated 03.12.2022 and to quash the same as illegal and unconstitutional and consequently forbearing the respondent from in any way taking any further action of any sale of the secured assets.



W.P.(MD) No.29092 of 2022

WEB COPY

For Petitioner : Mr.B.Jameel Arasu

For Respondent : Mr.N.Dilip Kumar,
Standing Counsel.

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Challenging the impugned sale notice dated 03.12.2022 issued by the respondent, the petitioner has filed this Writ Petition.

2. Heard Mr.B.Jameel Arasu, learned counsel for the petitioner and Mr.N.Dilipkumar, learned Standing counsel, who takes notice for the respondent.

3. By consent of both sides, this Writ Petition is taken up for final disposal.



W.P.(MD) No.29092 of 2022

WEB COPY

4. The learned counsel appearing for the petitioner, on instructions, submitted that the petitioner has submitted a proposal for settling the entire outstanding amount to the respondent bank. He further submitted that the petitioner undertakes to pay a sum of Rs.5 lakhs, on or before 10.01.2023 and pay the remaining balance amount at an earliest.

5. The learned Standing Counsel appearing for the respondent bank, on instructions, submitted that the respondent bank is interested to recover the amount from the petitioner and if the petitioner shows the bono fides for repayment of the amount, the bank will agree for the aforesaid proposal. He further submitted that if any delay on the part of the petitioner to repay the amount, the respondent may be directed to take appropriate action against the petitioner for recovering the amount.

6. Considering the submissions made by both sides, we are inclined to pass the following order:

The petitioner is directed to pay a sum of Rs.5,00,000/-



W.P.(MD) No.29092 of 2022

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7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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

23.12.2022

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Page 4 of 6



WEB COPY



W.P.(MD) No.29092 of 2022

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W.P.(MD) No.29092 of 2022

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and
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vsm

W.P.(MD) No.29092 of 2022

23.12.2022