



W.P.No.1324 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.1324 of 2023

C.Nagalakshmi

.. Petitioner

Vs.

1. City Union Bank
Rep. by its Authorised Officer
No.24-B, Ganthi Nagar
Kumbakonam
Thanjavur District 612 001.
2. The Branch Manager
City Union Bank
No.24/38, Rajaji Salai (Opp. to PF Office)
Tambaram (West)
Chennai 600 045.
3. M/s. Keerthi Enterprises
Plot No.23/A, K.K.Nagar
Ganapathipuram, Srinivasapuram
Guduvanchery 603 202.
4. K.Baranidharan
5. J.Jeevitha
6. Manonmani

.. Respondents



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Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the records relating to the proceedings in C.O./REC/NPA/2022-2023 dated 21.12.2022 issued by the first respondent for Re-tender cum auction sale notice under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and quash the same as against petitioner's property is concerned in all that piece plot No.120, admeasuring to extent of 2000 sq.ft., New Survey Number 15/1A2, as per Patta No:4237, New Survey No.15/35, in the layout named "Rail Senthil Nagar", approval No.L.P.DM/DTP No.21/71, situated in No.8, Ayyancheri Village, Chengalpet Taluk and Kancheepuram District (Now Chengalpet District) consequentially direct the first respondent to redemption the petitioner property.

For the Petitioner : Mr.S.Prabhakaran
Senior Counsel
For Mr.K.Krishnan

For the Respondents : Mrs.S.Anuradha Balaji
for Respondents 1 and 2

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner, challenging the auction notice dated 21.12.2022 issued by the first respondent, has filed this writ petition.



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2. Mr.S.Prabhakaran, learned Senior Counsel appearing for the petitioner submitted that though an appeal has been filed against the conditional order dated 22.09.2022 passed by the Debts Recovery Tribunal III, Chennai, as there was no Presiding Officer in Debt Recovery Appellate Tribunal for the last two weeks, the petitioner has come up before this Court.

3. In view of the fact that there is no Presiding Officer in DRAT, we entertain this writ petition.

4. The apprehension of the petitioner, who is the guarantor for the loan availed by the third and fourth respondents, is that the property given by her as security would be brought for public auction to be conducted by the respondent Bank, since the third and fourth respondents failed to repay the loan availed by them.

5. Learned counsel for the petitioner submitted that the petitioner is a widow and that she is ready and willing to make payment of 25% of accepted amount of Rs.65.00 lakh within two

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weeks and thereafter, the balance amount within eight weeks.

6. Learned counsel appearing for the respondent Bank objected to the grant of eight weeks' time to the petitioner, as she has been given a long time for making payment.

7. Considering the submissions of both the parties, the writ petition is disposed of, directing the petitioner to make payment of 25% of the accepted amount of Rs.65.00 lakh within two weeks from the date of receipt of a copy of this order and the balance amount within four weeks thereafter. It is needless to mention that if the petitioner commits any default in making payment as directed above, the respondent Bank is at liberty to proceed further, as per law. There will be no order as to costs. Consequently, WMP No.1375 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
12.01.2023

Index : Yes/No
Neutral Citation : Yes/No
kpl



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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY,J

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