



WEB COPY



W.P.No.31009 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2023

CORAM :

THE HONOURABLE MR.JUSTICE **D.BHARATHA CHAKRAVARTHY**
AND
THE HONOURABLE MR.JUSTICE **V. LAKSHMINARAYANAN**

W.P.No.31009 of 2023
and
W.M.P.No.30654 of 2023

M.Manoj Kumar

.. Petitioner

VS

The Manager
Indian Bank
Coonoor Branch
The Nilgiris.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call on the file of the respondent in proceedings Nil dated 12.10.2023 named as notice of intended sale and the consequential notice of intended sale in proceedings nil dated 16.10.2023 and quash the same as illegal, incompetent and without jurisdiction and further direct the respondent to comply with the terms of settlement arrived between the parties in O.P.No.372/2017, on the file of the Debt Recovery Tribunal, Coimbatore and receive the amount of Rs.25,00,000/- and return the original documents pertaining to the petitioner's property



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at Plot No.6/359 L, Site No.3, Orange Avenue, L & T Bypass Main Road, via Vellalore road, Pattanam, Coimbatore - 641 016 measuring an extent of 1673 sq feet.

For Petitioner : Ms.R.Poornima

ORDER

(Order of the Court was made by V. LAKSHMINARAYANAN.,J)

The order impugned is appealable before the Debts Recovery Tribunal at Coimbatore. It is only a sale notice. Therefore, the petitioner is directed to approach the Debts Recovery Tribunal, Coimbatore before 03.11.2023. The petitioner can also seek for an interim relief before the Debts Recovery Tribunal, Coimbatore.

2. Learned counsel for the petitioner undertakes that the petitioner is willing to pay the entire amount as per the Lok Adalat award dated 12.05.2023.

3. Considering the willingness of the petitioner to deposit the amount, we direct the parties to maintain *status quo* till 03.11.2023.



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4. Learned counsel for the petitioner submits that the sale is scheduled to be held on 30.10.2023.

5. The sale shall go on. The bank shall not take any further step, pursuant to the sale, in case it is held on that date. Accordingly, the writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

(D.B.C.,J) (V.L.N.,J)
26.10.2023

Index:Yes/No
Neutral Citation:Yes/No
mmi/ssm

Note: Registry is directed to return the original impugned order to the learned counsel for the petitioner after obtaining usual endorsement.

To

1.The Manager
Indian Bank,
Coonoor Branch,
The Nilgiris.

2.The Debts Recovery Tribunal,
Coimbatore.



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AND
V. LAKSHMINARAYANAN.,J

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