



W.P.(MD) Nos.153 to 155 of 2023

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 04.01.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**AND**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)Nos.153 to 155 of 2023**

**and**

**W.M.P.(MD)Nos.141 to 146 of 2023**

|               |                                          |
|---------------|------------------------------------------|
| Sunaichandran | ... Petitioner in W.P.(MD)No.153 of 2023 |
| Prakasavel    | ... Petitioner in W.P.(MD)No.154 of 2023 |
| Jeyakumar     | ... Petitioner in W.P.(MD)No.155 of 2023 |

**-Vs-**

1.The Authorized Officer,  
Indian Bank, Zonal Office,  
Karaikudi.

2.The Branch Manager,  
Indian Bank, Rajapalayam,  
Virudhunagar District.

... Respondents in all W.Ps.

**Page 1 of 6**



W.P.(MD) Nos.153 to 155 of 2023

**COMMON PRAYER:** Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned sale notice dated 21.11.2022 issued by the 1<sup>st</sup> respondent and to quash the same, consequently, to direct the respondents not to proceed with the sale of the property as mentioned in the sale notice.

For Petitioners : Mr.R.Rajamohan

For Respondents : Mr.R.Pandivel,  
Standing Counsel  
(in all W.Ps.)

**COMMON ORDER**

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

Challenging the sale notice dated 21.11.2022 issued by the 1<sup>st</sup> respondent, fixing the date for sale on 04.01.2023, these Writ Petitions are filed with a consequential direction to the respondents not to proceed with the sale of the property as mentioned in the sale notice.

2.Mr.R.Pandivel, learned Standing Counsel takes notice for the respondents in all the Writ Petitions.

**Page 2 of 6**



W.P.(MD) Nos.153 to 155 of 2023

WEB COPY

3.By consent of both parties, these Writ Petitions are taken up for final disposal at the admission stage itself.

4.The learned counsel for the petitioners submitted that as per the impugned sale notice dated 21.11.2022, total outstanding amount comes at Rs.4,42,79,459/- and the petitioners have already paid a sum of Rs.30,00,000/- to the respondent Bank and they are inclined to settle the remaining outstanding amount as on date to the respondent Bank on or before 30.03.2023. He further submitted that till such time, the impugned sale notice dated 21.11.2022 may be kept in abeyance.

5.The learned Standing Counsel for the respondent Bank has opposed the same and submitted that the respondent Bank may be permitted to proceed with the auction sale, however, the confirmation of the sale may be subject to the payment of the petitioners.



W.P.(MD) Nos.153 to 155 of 2023

WEB COPY

6.Considering the aforesaid submissions made on either side, we are inclined to pass the following order:-

*“(i) The petitioners are directed to settle the remaining outstanding amount as on date to the respondent Bank in three consecutive equal monthly instalments;*

*(ii) The 1<sup>st</sup> instalment shall be paid on or before 30.01.2023; the 2<sup>nd</sup> instalment shall be paid on or before 28.02.2023; and the 3<sup>rd</sup> instalment shall be paid on or before 30.03.2023;*

*(iii) The respondent Bank is directed to conduct the sale, however, not to confirm the same in favour of third party;*

*(iv) If the petitioners fail to pay any of the above instalments, it is open to the respondent Bank to proceed further in accordance with law.*

*(v) It is needless to mention that it is for the petitioners to approach the Bank seeking OTS proposal.”*



W.P.(MD) Nos.153 to 155 of 2023

WEB COPY

7.With the above direction, these Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

**[D.K.K., J.] & [R.V., J.]**  
**04.01.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No

*MYR*



WEB COPY



W.P.(MD) Nos.153 to 155 of 2023

**D.KRISHNAKUMAR, J.**

**AND**

**R.VIJAYAKUMAR, J.**

*MYR*

**W.P.(MD)Nos.153 to 155 of 2023**

**04.01.2023**

***Page 6 of 6***