



W.P.(MD) No.1730 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1730 of 2023
and W.M.P.(MD)No.1553 of 2023

C.Murugan

... Petitioner

Vs.

1.The Authorized Officer,
Tamil Nadu Mercantile Bank Ltd.,
Madurai Regional Office,
30, Besant Road,
Chinna Chokkikulam,
Madurai – 625 002.

2.The Branch Manager,
Tamil Nadu Mercantile Bank Ltd.,
Mayiladumparai Branch,
30, Besant Road,
Chinna Chokkikulam,
Madurai – 625 002.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the impugned sale notice dated 12.01.2023 issued by the 1st respondent and quash the same as illegal.

For Petitioner : Mr.P.Ranjithraja
For Respondents : Mr.Thevan,
Standing Counsel

ORDER

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

Challenging the impugned sale notice dated 12.01.2023 issued by the 1st respondent, the petitioner has filed this Writ Petition.

2. Heard Mr.P.Ranjithraja, learned counsel for the petitioner and Mr.Thevan, learned Standing Counsel, who takes notice for the respondents.

3. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.



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4. Today, when the matter was taken up for hearing, the learned counsel appearing for the petitioner has filed an undertaking affidavit and submitted that the petitioner is ready to pay a sum of Rs.50,000/- on or before 01.02.2023 and thereafter, to pay a sum of Rs.1,00,000/- on or before 28.02.2023. After deducting the said amount, the remaining amount shall be paid in six [6] consecutive equal monthly installments, commencing from March 2023.

5. The learned Standing Counsel appearing for the respondents bank has agreed for the aforesaid undertaking given by the petitioner.

6. In view of the aforesaid submission, we direct the petitioner to pay a sum of Rs.50,000/- on or before 01.02.2023 and thereafter, pay a sum of Rs. 1,00,000/- on or before 28.02.2023. After deducting the said amount, pay the remaining amount in six [6] consecutive equal monthly installments, commencing from March 2023. The monthly installments shall be paid on or before the 10th day of every English Calendar month. Till such time, the respondents - Bank shall not take any coercive action against the petitioner. If



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the petitioner fails to make payment in any one of the above installments, the respondents - Bank is at liberty to proceed further in accordance with law.

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

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

31.01.2023

NCC : Yes / No
Index : Yes / No
vsm



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