



W.P.(MD) No.2103 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.2103 of 2023

and

W.M.P.(MD)No.1877 of 2023

B.Gomathi

... Petitioner

-Vs-

The Authorized Officer,

Indian Bank, SME Thuvakudi Branch,

TREC STRP Campus, NIT PO,

Thuvakudi, Trichy-620 015.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the proceedings of the respondent pertaining to the notice of intended sale dated 12.01.2023 issued by him under Section 13(4) of the SARFASI Act fixing the auction of the property ad measuring 3.00 acres land equivalent to 130800 sq.ft. comprised in SF No. 108/8B, situated near Mukil Nagar, Thirunedungulam Village, Thiruverumbur Taluk, Trichy District on 13.02.2023 and to quash the same as null and void.

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For Petitioner : Mr.P.Sesubalan Raja
For Respondent : Mr.R.Pandivel,
Standing Counsel

ORDER

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

The sale notice dated 12.01.2023 issued by the respondent, fixing the date of sale on 13.02.2023, is under challenge in this Writ Petition.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Mr.R.Pandivel, learned Standing Counsel takes notice on behalf of the respondent.

4.The learned counsel appearing for the petitioner submitted that pursuant to the interim order of this Court dated 06.02.2023, the petitioner filed an undertaking affidavit before this Court.

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5.The learned Standing Counsel appearing for the respondent Bank, on instructions, submitted that after making the payment of Rs.10,00,000/- on or before 12.02.2023, if the petitioner approaches the respondent Bank for settling the entire remaining outstanding amount by identifying the purchaser, No Objection Certificate would be issued to her as per the guidelines issued by RBI.

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

“(i) The petitioner is directed to pay a sum of Rs.10,00,000/- to the respondent Bank on or before 12.02.2023;

(ii) For settling the remaining outstanding amount, the petitioner is directed to approach the respondent Bank seeking No Objection Certificate for selling a small extent of the land along with the purchaser within a period of one week from the date of receipt of a copy of this order; and

(iii) If the petitioner approaches the respondent Bank, it is



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WEB COPY *for the respondent Bank to consider the same and pass appropriate orders within a period of four weeks thereafter.*

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

[D.K.K., J.] & [L.V.G., J.]

08.02.2023

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

MYR



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AND
L.VICTORIA GOWRI, J.

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