



W.P(MD)No.2527 of 2023

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

**DATED : 09.02.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR  
and  
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.2527 of 2023  
and  
W.M.P(MD)No.2341 of 2023**

P.Ganapathiappan

... Petitioner

VS.

1.The Authorised Officer,  
Tamil Nadu Mercantile Bank,  
Tirunelveli Region,  
Tirunelveli Regional Office,  
Tirunelveli.

2.The Branch Manager,  
Tamil Nadu Mercantile Bank Limited,  
Rayagiri Branch,  
Tenkasi District.

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the sale notice dated 21.01.2023 issued by the respondent Bank fixing the auction sale of the secured assets on 02.03.2023 and quash the same.



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For Petitioner : Mr.Y.Prakash

For Respondents : Mr.N.Dilip Kumar  
Standing Counsel

**ORDER**

**(Order of the Court was made by D. KRISHNAKUMAR, J.)**

By consent of both the parties, the Writ Petition is taken up for final disposal at the time of admission.

2.The prayer in this Writ Petition is seeking for issuance of a Writ of Certiorari, to quash the sale notice dated 21.01.2023 issued by the respondent Bank fixing the auction sale of the secured assets on 02.03.2023.

3.Since the Presiding Officer, Coimbatore, is in charge of the Debts Recovery Tribunal, Madurai and the Debts Recovery Tribunal, Madurai is functioning weekly once ie., on every Friday, the petitioner has filed the present Writ Petition.



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4.Today, when the matter was taken up for hearing, the learned counsel appearing for the petitioner filed an undertaking affidavit before this Court stating that the petitioner undertakes to pay a sum of Rs.5,00,000/- to the respondent Bank on or before 01.03.2023 and further undertake to pay the outstanding balance amount in respect of the (i) KCC loan and (ii) term loan accounts within a period of six months, commencing from 1st April 2023, after adjusting any concession in the outstanding dues that the Bank may provide to the petitioner.

5.The learned standing counsel appearing for the respondent Bank submitted that the said amount shall be paid in consecutive equal monthly instalments and also with liberty to the respondent Bank to proceed against the petitioner in case of default in payment of any one of the instalments.

6.Considering the submissions made on either side, the petitioner is directed to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) on or before 01.03.2023 and the remaining outstanding amount shall be paid in six consecutive equal monthly instalments. The first instalment shall be paid on or before 01.04.2023 and the subsequent five instalments,



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commencing from May to September, shall be paid on or before the 5th day of every English Calendar month, until the entire payment is made. Till such time, no coercive steps shall be taken by the respondent. If the petitioner fails to pay the amount in any one of the instalments, the respondent Bank may proceed further in accordance with law.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

**[D.K.K.,J.]      [L.V.G.,J.]**  
**09.02.2023**

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



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To

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**D. KRISHNAKUMAR,J.**  
**and**  
**L.VICTORIA GOWRI,J.**

ps

**ORDER MADE IN**  
**W.P(MD)No.2527 of 2023**

**DATED : 09.02.2023**