



W.P.(MD)No.2786 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MRS. JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.2786 of 2023

and

W.M.P(MD)Nos.2538, 2540 & 4532 of 2023

P.Renganathan

: Petitioner

Vs.

1.The Authorized Officer,
Canara Bank,
Asset Recovery Management Branch,
Regional Office,
No.1, Royal Road, Cantonment,
Trichy – 620 001.

2.Canara Bank,
Rep.by its Branch Manager,
Trichy Puthur Branch,
No.604, Anbagam Buildings,
Puthur Four Road,
Trichy – 620 017.

: Respondents



W.P.(MD)No.2786 of 2023

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorari to call for the records pertaining to the impugned sale notice issued by the 1st respondent in Ref.CB ARM : TRY : SN ACL 1249773000026 & 1249261000384/JAN/2023/RV dated 02.01.2023 fixing the auction on 13.02.2023 quash the same.

For Petitioner : Mr.V.P.Senguttuvel
Senior Counsel for
Mr.K.Rajeswaran

For Respondents : Mr.C.Deepak
Standing Counsel

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J)

Though the application in WMP(MD)No.4532 of 2023 has been filed seeking a months time to comply with the conditional order dated 10.02.2023, the Division Bench of this Court, by its order dated 03.03.2023, has permitted the petitioner to pay a sum of Rs.90 lakhs on or before 06.03.2023 and the balance amount of Rs.2,10,00,000/- to be paid on or before 10.03.2023 i.e., today.



W.P.(MD)No.2786 of 2023

WEB COPY

2.It is conceded that the petitioner has paid Rs.90 lakhs on 06.03.2023. For payment of balance amount, the petitioner is seeking extension of time.

3.While Mr.V.P.Senguttuvel, learned Senior Counsel, appearing for the petitioner would submit that the petitioner could not arrange for payment because of the various difficulties faced by him and the bank having sold two items of valuable properties belonging to him, Mr.C.Deepak, learned Standing Counsel appearing for the respondent bank would submit that the petitioner is a habitual defaulter and despite several interim orders, the petitioner has not paid any money. The learned Standing Counsel would also point out the observations made in the order of this Court. This Court has recorded its apprehension that the petitioner will not comply with the orders of this Court.

4.We would not like to interfere in the matter of contract particularly under Article 226 of the Constitution of India. But the inaction on the part of the Central Government in appointing the Presiding Officer in the Debts



W.P.(MD)No.2786 of 2023

WEB COPY

Recovery Tribunal, Madurai and its refusal to wake up from Kumbakarna sleep, compels us to interfere in the matters of contract considering the plight of the borrowers as well as bank, who are driven to Coimbatore for even seeking some interim relief like extension of time or stay of sale etc.

5. Taking a lenient view, we pass the following orders:-

Out of the balance amount of Rs.2,10,00,000/-, the petitioner shall pay a sum of Rs.1,05,00,000/- on or before 21.03.2023 and the remaining amount of Rs.1,05,00,000/- shall be paid on or before 30.03.2023. It is made clear that this Court will not entertain any application for further extension of time.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.] & [L.V.G., J.]
10.03.2023

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



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W.P.(MD)No.2786 of 2023

R.SUBRAMANIAN., J

AND

L.VICTORIA GOWRI.,J

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