



W.P.(MD) No.3552 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.3552 of 2023

and

W.M.P.(MD)Nos.3303 and 3304 of 2023

1.D.Kandeeban

2.Devaraj

... Petitioners

-Vs-

The Authorized Officer,

Canara Bank, Cumbum Branch,

Theni District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned sale notice issued by the respondent Bank in the Tamil News Paper namely, Thina Thanthi dated 23.01.2023 and quash the same as illegal.

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For Petitioners : Mr.C.Jeganathan

For Respondent : Mr.R.Anandharaj,
Standing Counsel

ORDER

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

The sale notice dated 23.01.2023 issued by the respondent Bank, fixing the date of sale on 27.02.2023, 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.Since the Debts Recovery Tribunal is functioning once in a week i.e., every Friday, we are inclined to entertain this Writ Petition.

4.The learned counsel appearing for the petitioners submitted that the petitioners to show their *bona fide* are ready to pay a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) to the respondent Bank on or before 26.02.2023 and further sum of Rs.3,00,000/- (Rupees Three Lakhs Only) on or before

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08.03.2023 and remaining outstanding amount will be paid in three consecutive equal monthly installments, for which, Mr.R.Anandharaj, learned Standing Counsel, who took notice on behalf of the respondent, is also agreeable and submitted that the property mortgaged in the present loan account is also mortgaged in other loan accounts also.

5.In view of the above, we are inclined to dispose of this Writ Petition on the following directions:-

“(i)The petitioners are directed to pay a sum of Rs.3,00,000/- on or before 26.02.2023 to the respondent Bank and further sum of Rs.3,00,000/- on or before 08.03.2023;

(ii)The balance outstanding amount shall be paid by the petitioners in three consecutive equal monthly installments and the 1st installment shall be paid on or before 05.04.2023, the 2nd installment shall be paid on or before 05.05.2023 and the 3rd installment shall be paid on or before 05.06.2023;

(iii)Till such time, the respondent Bank shall not take any coercive steps against the petitioners; and



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(iv) If the petitioners fail to make any one of the aforesaid installments, the respondent Bank is at liberty to proceed in accordance with law and in respect of other loan accounts, it is for the respondent Bank to proceed in accordance with law”

No costs. Consequently, connected miscellaneous petitions are also closed.

[D.K.K., J.] & [L.V.G., J.]
22.02.2023
(2/2)

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

MYR



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AND
L.VICTORIA GOWRI, J.

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