



W.P(MD)No.3644 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2023

CORAM:

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

**W.P(MD)No.3644 of 2023
and
W.M.P(MD)Nos.3432 & 3433 of 2023**

R.Rajagopal

... Petitioner

VS.

1.The Authorized Officer,
Indian Overseas Bank,
Siruganur Branch,
S.No.225/3J,
East Street,
Siruganur Post,
Mannachanallur Taluk,
Trichy – 621 105.

2.The Branch Manager,
Indian Overseas Bank,
Siruganur Branch,
S.No.225/3J,
East Street,
Siruganur Post,
Mannachanallur Taluk,
Trichy – 621 105.

... 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 pertaining



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to the impugned e-auction sale notice dated 20.01.2023 issued by the first respondent and quash the same.

For Petitioner : Mr.G.Mohan Kumar

For Respondents : Mr.N.Dilip Kumar
Standing Counsel

ORDER

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

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

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

3.The prayer in this Writ Petition is seeking for issuance of a Writ of Certiorari, to quash the impugned e-auction sale notice dated 20.01.2023 issued by the first respondent.



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4.Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner filed an undertaking affidavit before this Court and submitted that the petitioner undertakes to pay 25% of the amount to the respondent Bank in two instalments and settle the entire outstanding amount either by One Time Settlement or the scheme offered by the respondent Bank.

5.The learned counsel appearing for the respondent Bank also agreed for the abovesaid submission made by the learned counsel appearing for the petitioner, however, insisting upon the petitioner to pay some amount on or before the date of an auction conducted by the respondent Bank.

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

(i) The petitioner is directed to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) to the respondent Bank on or before 01.03.2023.



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(ii) If the aforesaid amount is paid by the petitioner, the auction shall be deferred.

(iii) Thereafter, further amount of Rs.5,00,000/- (Rupees Five Lakhs Only) to be paid to the respondent Bank on or before 15.03.2023.

(iv) If the petitioner fails to pay the amount in any one of the instalments, the respondent Bank may proceed further in accordance with law.

(v) In the meantime, the petitioner is at liberty to approach the respondent Bank for settling the remaining amount either under One Time Settlement or the scheme offered by the respondent Bank.



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

[D.K.K.,J.] [L.V.G.,J.]
24.02.2023

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

To

- 1.The Authorized Officer,
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D. KRISHNAKUMAR,J.
and
L.VICTORIA GOWRI,J.

ps

ORDER MADE IN
W.P(MD)No.3644 of 2023

DATED : 24.02.2023