



W.P(MD)No.4096 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2023

CORAM :

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

**W.P(MD)No.4096 of 2023
and
WMP(MD)No.3935 of 2023**

1. S.Anis Fathima
2. M.Shajahan

... Petitioners

vs.

The Authorized Officer,
Indian Bank,
Zonal Office,
No.100-101, East Veli Street,
Madurai.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records of the proceeding of the respondent pertaining to the Notice of intended sale dated 03.02.2023 issued by the Respondent under Section 13(4) of the SARFEASI Act fixing the auction of the property an extent of 3559 sq.ft of land with commercial building with plinth area of ground and first floor of 982.31 sq.ft each comprised in R.S.No. 411/1(P), Plot No.CP No.12A, I Thakku, Tamil Nadu Housing Board Colony, Villapuram, Avaniyapuram Village, Maduai, and to quash the same as null and void.



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For Petitioners : Mr.E.Mohamed Abbas
For Respondent : Mr.M.Senthil Kumar, Standing Counsel

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ORDER

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

The prayer in the writ petition is for issuance of a Writ of Certiorari, to call for the records of the respondent pertaining to the notice of intended sale dated 03.02.2023 issued by the respondent under Section 13(4) of the SARFEASI Act, fixing the auction of the secured property and to quash the same as null and void.

2. Now, learned counsel for the petitioners has stated that the petitioners are ready to pay a sum of Rs.10,00,000/- to the respondent Bank on or before 08.03.2023 and the balance amount in four consecutive equal monthly instalments thereafter.

3. Learned standing counsel for the respondent/Bank has agreed to the aforesaid schedule of payment. However, he submitted that liberty may be granted to the respondent/Bank to proceed in accordance with law in case of default in payment of any one of the instalments.



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4. Recording the aforesaid submissions, we direct the petitioners to pay a sum of Rs.10,00,000/- to the respondent Bank on or before 08.03.2023 and the balance amount in four consecutive equal monthly instalments thereafter. The first instalment shall be paid on or before the 8th day of April 2023 and the remaining instalments shall be paid on or before the 8th day of succeeding months. The last instalment shall be paid on or before 08.07.2023. Till such time, no coercive action shall be taken by the respondent against the petitioners. If there is any default in payment of any one of the instalments, it is open to the respondent to proceed further in accordance with law.

5. With the above direction, the Writ Petition is disposed of.
No costs.

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

[D.K.K.,J.] & [L.V.G.,J.]
28.02.2023



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and
L.VICTORIA GOWRI, J.

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ORDER MADE IN
W.P(MD)No.4096 of 2023
DATED : 28.02.2023