



W.P(MD)No.3874 of 2023

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.3874 of 2023
and
WMP(MD)No.3724 of 2023**

V.Shanmugasundaram

... Petitioner

vs.

**1. The Authorized Officer,
Bank of India,
Recovery Department : Madurai Zonal Office,
Sri Ram Complex, 4th Floor,
Uchaparambu Main Road,
Iyerbungalow, Madurai-625 014.**

**2. Bank of India,
Rep. by its Branch Manager,
Recovery Department : Madurai Zonal Office,
Sri Ram Complex, 4th Floor,
Uchaparambu Main Road,
Iyerbungalow, Madurai-625 014.**

**3. Debts Recovery Tribunal – Madurai,
Rep. by the Registrar,
III and IV Floor, Kalyani Towers,
4/162, Madurai-Melur Road,
(Near Meenakshi Mission Hospital),
Uthangudi Post, Madurai-625 107.**

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records pertaining to the Impugned E-Auction Sale Notice dated 22.01.2023 fixing the Auction Sale on 27.02.2023 issued by the 1st Respondent and quash the same.

For Petitioner : Mr.V.Veerapandian for
M/s.Vastlaw Associates
For R1 & R2 : Mr.S.Rengasamy, Standing Counsel

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, calling for the records pertaining to the Impugned E-Auction Sale Notice dated 22.01.2023 fixing the Auction Sale on 27.02.2023 issued by the 1st Respondent and quash the same.

2. Now the petitioner has filed an undertaking affidavit dated 24.02.2023 undertaking to pay Rs.5.20 Lakhs on or before 27.02.2023 and to pay the remaining amount in six monthly instalments thereafter.



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3. Learned standing counsel for the respondent Bank has agreed to the aforesaid schedule of payment by the petitioner in his undertaking affidavit. 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.

4. Recording the undertaking affidavit of the petitioner dated 24.02.2023, we direct the petitioner to pay a sum of Rs.5,20,000/- (Rupees Five Lakhs and Twenty Thousand only) on or before 27.02.2023 and the remaining outstanding amount in six consecutive equated monthly instalments thereafter, of which, the first instalment shall be paid on or before 27th March 2023 and the subsequent instalments shall be paid on or before the 27th day of succeeding months till 27.08.2023. Till such time, no coercive steps shall be taken by the respondent Bank against the petitioner. If the petitioner commits default in payment of the amount in any one of the aforesaid instalments, the respondent Bank is at liberty to proceed further in accordance with law.



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5. With the above direction, the Writ Petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No

Index : Yes / No

Internet : Yes

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

Issue order copy by today itself.

To

The Registrar,
Debts Recovery Tribunal – Madurai,
III and IV Floor, Kalyani Towers,
4/162, Madurai-Melur Road,
(Near Meenakshi Mission Hospital),
Uthangudi Post, Madurai-625 107.



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

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ORDER MADE IN
W.P(MD)No.3874 of 2023
DATED : 24.02.2023