



W.P(MD)No.4009 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2023

CORAM:

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

**W.P(MD)No.4009 of 2023
and
W.M.P(MD)Nos.3883 & 3884 of 2023**

K.Ramamoorthy

... Petitioner

VS.

1.The Authorized Officer,
Bank of Baroda,
1st Floor, Ward No.14,
Door No.3, 4 & 5 Sakthi Velammal 10th Street,
S.S.Colony,
Madurai – 625 016.

2.The Branch Manager,
Bank of Baroda,
Virudhunagar Branch,
97-6, Katcheri Road,
Virudhunagar,
Virudhunagar District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned E-auction sale notice dated 13.01.2023 issued by the first respondent and to quash the same and consequently



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direct the first respondent Bank to consider the petitioner's representation, dated 20.02.2018.

For Petitioner : Mr.M.Jothi Basu

For Respondents : Mr.Pethu Rajesh
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 Certiorarified Mandamus, to quash the impugned E-auction sale notice, dated 13.01.2023 issued by the first respondent and consequently, to direct the first respondent Bank to consider the petitioner's representation, dated 20.02.2018.

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4.The learned counsel appearing for the petitioner, on instructions, submitted that the petitioner is ready to pay 50% of the outstanding amount to the respondent Bank on or before 28.03.2023, out of which, the petitioner undertakes to pay a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the respondent Bank on or before 28.02.2023 at 10.00 a.m. After paying 50% of the outstanding amount, the petitioner undertakes to pay the remaining outstanding amount to the respondent Bank in four consecutive equal monthly instalments.

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, the learned counsel appearing for the respondent Bank submitted that instead of granting interim stay for the entire proceedings, the respondent Bank may be permitted to conduct auction, but confirmation of the sale alone may be stayed.

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



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(i) The petitioner is directed to pay 50% of the outstanding amount to the respondent Bank on or before 28.03.2023, out of which, the petitioner is directed to pay a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the respondent Bank on or before 28.02.2023 (tomorrow) at 10.00 a.m.

(ii) If the petitioner complied with the conditions as mentioned in clause (i), there shall be an order of interim stay in respect of confirmation alone, the sale as scheduled may go.

(iii) The remaining outstanding amount shall be paid in four consecutive equal monthly instalments. The first instalment shall be paid on or before 28.04.2023 and the subsequent three instalments shall be paid on or before 28th day of every English Calendar month until the entire payment is made and the last instalment along with interest and other charges shall be paid on or before 28.07.2023.

(iv) Till such time, no coercive steps shall be taken by the respondent Bank.



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

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.]
27.02.2023

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

Note:- Issue Order Copy on 27.02.2023.

To

- 1.The Authorized Officer,
Bank of Baroda,
1st Floor, Ward No.14,
Door No.3, 4 & 5 Sakthi Velammal 10th Street,
S.S.Colony, Madurai – 625 016.
- 2.The Branch Manager,
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D. KRISHNAKUMAR,J.
and
L.VICTORIA GOWRI,J.

ps

ORDER MADE IN
W.P(MD)No.4009 of 2023

DATED : 27.02.2023