



W.P.(MD) No.5042 of 2023

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 09.03.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN  
and  
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.5042 of 2023  
and  
W.M.P.(MD) No.4712 of 2023**

C.Dinesh

... Petitioner

-VS-

1.The Authorized Officer  
Jana Small Finance Bank Ltd.,  
Trichy Branch  
No.74, Lucky Lane Plaza  
Salai Road, Thillai Nagar  
Trichy-620 018

2.The Branch Manager  
Jana Small Finance Bank Ltd.,  
Trichy Branch  
No.74, Lucky Lane Plaza  
Salai Road, Thillai Nagar  
Trichy-620 018

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue  
a writ of certiorarified mandamus to call for the records of the first



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respondent's impugned e-auction sale notice 08.02.2023 and sale to be held on 10.03.2023 and quash the same without jurisdiction and consequently direct the respondents not to take coercive steps without due process of law.

For Petitioner : Mr.R.Iyappan

For Respondents : Mr.S.Babu

**ORDER**

**[Order of the Court was made by R.SUBRAMANIAN, J.]**

Admit.

**2.** Mr.S.Babu, learned counsel, takes notice for the respondent – Bank.

**3.** The property sought to be sold is a dwelling house and the reason for the account becoming NPA is attributed to lock down due to the pandemic.

**4.** Considering the overall circumstances, the writ petition is disposed of with the following directions:



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- (i) The petitioner shall pay a sum of Rs.4,00,000/- (Rupees four lakhs only) on or before 30.03.2023.
- (ii) The petitioner will pay the balance amount in five equated monthly installments commencing from April, 2023. The monthly instalments shall be paid on or before 20<sup>th</sup> of every succeeding month.
- (iii) The interest payable for the interregnum period shall be paid along with the last installment.
- (iv) The respondent – Bank can proceed with the sale, if there is a default in payment of two consecutive monthly installments.

No costs. Consequently, connected miscellaneous petition is closed.

**[R.S.M., J.]**

**[L.V.G., J.]**

**09.03.2023**

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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