



W.P.(MD)No.5757of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MRS. JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.5757 of 2023

and

W.M.P(MD)No.5351 of 2023

Mahalakshmi

: Petitioner

Vs.

1.The Authorized Officer,
Tamilnad Mercantile Bank Ltd.,
Regional Office, Madurai.

2.The Branch Manager,
Tamilnad Mercantile Bank Ltd.,
Sayalgudi Branch,
Ramanathapuram District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorari to call for the records pertaining to the impugned sale notice dated 24.02.2023 issued by the first respondent and quash the same.



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For Petitioners : Mr.P.T.Ramesh Raja

For Respondents : Mr.N.Dlipkumar
Standing Counsel

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J)

This writ petition is filed challenging the impugned sale notice dated 24.02.2023 issued by the first respondent.

2.Mr.N.Dlipkumar, learned Standing Counsel takes notice on behalf of the respondent bank. By consent, this writ petition is taken up for final disposal at the admissions stage itself.

3.Mr.P.T.Ramesh Raja, learned counsel for the petitioner would submit that the petitioner has been making all efforts to pay the balance amount. Even though there was no bidder, pursuant to the sale notice, the



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petitioner has paid Rs.5,50,000/-. Therefore, the petitioner is entitled to indulgence by way of grant of time for settling the entire amount.

4.Mr.N.Dlipkumar, learned Standing Counsel would submit that it is the third sale notice and the petitioner wakes up only when this sale notice is issued.

5.Considering the above said circumstances, a direction is issued to the respondent bank not to confirm the sale subject to the following conditions:-

(i) The petitioner shall pay a sum of Rs.4,50,000/- before the date of sale, which is scheduled to be held on 18.03.2023.

(ii) The remaining Rs.22,00,000/- shall be paid in 4 equal monthly instalments commencing from 20th April 2023.

(iii) The interest accrued in the interregnum and the expenses of the auction shall be paid along the last instalment.

(iv) If any default in payment, the interim order granted shall stand automatically vacated without any further reference to this Court.



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WEB COPY 6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] & [L.V.G., J.]
16.03.2023

NCC : No
Index : No
Internet : Yes
skn

Note: Issue order copy on 17.03.2023.



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R.SUBRAMANIAN., J

AND

L.VICTORIA GOWRI.,J

skn

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and
W.M.P(MD)No.5351 of 2023**

16.03.2023