



WEB COPY

W.P.(MD) No.6148 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2023

CORAM:

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

**W.P.(MD) No.6148 of 2023
and
W.M.P.(MD) Nos.5863 & 5864 of 2023**

S.Kannan

... Petitioner

-VS-

The Authorised Officer
Union Bank of India
Dindigul Branch
1st Floor, Jeeva Jothi Big
Salai Road
Dindigul-624 001

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to impugned sale notice dated 02.03.2023 issued by the respondent and quash the same as illegal and consequently direct the respondent.

For Petitioner : Mr.K.Mathan

For Respondent : Mr.R.Pandivel, Standing Counsel



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ORDER

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

Mr.R.Pandivel, learned Standing Counsel, takes notice for the respondent – Bank.

2. The sale notice, dated 02.03.2023, issued by the respondent – Bank, under Rule 8 of the Security Interest (Enforcement) Rules, 2002, is under challenge in this writ petition.

3. While the learned counsel for the petitioner would submit that the earlier conditional order was promptly complied with by the petitioner, the learned Standing Counsel appearing for the respondent – Bank would submit that though the earlier conditional order was complied with, the petitioner did not come forward to pay the balance amount. The learned Standing Counsel would add that as on date the amount due is Rs.16,87,132/- (Rupees sixteen lakhs eighty seven thousand one hundred and thirty two only).

4. The sale is to be held on 28.03.2023.

5. The respondent – Bank can proceed with the sale, but it shall not confirm the sale, if the petitioner pays a sum of Rs.5,50,000/- (Rupees five



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lakhs and fifty thousand only) to the respondent – Bank, on or before 30.03.2023.

6. The balance amount shall be paid by the petitioner in four equated monthly installments commencing from April, 2023. The monthly instalments shall be paid on or before 20th of every succeeding month.

7. The interest payable for the interregnum period and the cost of the sale shall be paid along with the last installment.

8. The respondent – Bank can proceed to confirm the sale, if there is a default in payment of any one of the monthly installments.

9. The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

21.03.2023

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

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