



**W.P.(MD)No.6263 of 2023**

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

**DATED: 23.03.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN**

**AND**

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P.(MD)No.6263 of 2023**

**and**

**W.M.P(MD)No.5950 of 2023**

**K.Karuppanaraja**

**: Petitioner**

**Vs.**

1.The District Collector-cum-District Magistrate,  
Theni District,  
Theni.

2.The Special Tahsildar (Stemps),  
104, Old Ramanathapuram Collector Office,  
Madurai.

3.The Authorized Officer,  
Indian Bank,  
Bodinayakkanur Branch,  
Theni District.

**: Respondents**



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**PRAYER:** Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned notice issued by the 2<sup>nd</sup> respondent dated 02.03.2023 in Na.Ka.No.214/2020/E and the consequential auction sale notice issued by the 3<sup>rd</sup> respondent dated 06.03.2023 and quash the same as illegal and forbear the respondents from interfering with the peaceful possession and enjoyment of the petitioner's property.

For Petitioner : Mr.J.Anand Kumar

For Respondents : Mr.S.P.Maharajan  
Spl. Govt. Pleader for R1 and R2

Mr.R.Pandivel  
Standing Counsel for R3

### **ORDER**

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

Challenge is to the intended sale notice issued by the third respondent bank notifying the sale of the secured assets on 24.03.2023.



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2.Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the respondents 1 and 2. Mr.R.Pandivel, learned Standing Counsel takes notice for the third respondent/bank. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.The amount due as on 01.03.2023 is Rs.50,20,900/-.

4.Mr.J.Anandkumar, learned counsel for the petitioner would submit that the petitioner is ready to liquidate the debt, if he is given some time.

5.Mr.R.Pandivel, learned Standing Counsel appearing for the bank would point out that the petitioner has been given indulgence already in W.P(MD)No.1081 of 2023, wherein the Division Bench has granted an order staying the execution of the order passed by the District Collector, under Section 14 of the SARFAESI Act.

6.Mr.J.Anandkumar, however, pleaded that if one more opportunity is granted, the petitioner will be able to save the property.



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7.The sale is posted tomorrow (25.03.2023). We do not think that the sale could be stayed at this eleventh hour. Therefore, we permit the bank to proceed with the sale and sale shall not be confirmed, if the petitioner pays a sum of Rs.10,00,000/- by 30.03.2023. The remaining amount shall be paid in three equal monthly installments commencing from 20<sup>th</sup> April 2023. The interest accrued in the interregnum and the expenses of the sale shall be paid along with the last installment. If there is any default in payment, the bank can proceed to confirm the sale or go for re-auction, if necessary. It is made clear that if there is any default in payment of one of the installments as directed above, the bank can proceed to execute Section 14 order also.

8. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

**[R.S.M., J.] & [B.P., J.]**  
**23.03.2023**

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



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