



W.P.(MD) No.7597 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2023

CORAM:

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

W.P.(MD) No.7597 of 2023
and
W.M.P.(MD) No.7070 of 2023

P.Bose

... Petitioner

-VS-

1.The Authorised Officer
Indian Overseas Bank
Regional Office
Madurai

2.The Branch Manager
Indian Overseas Bank
Cumbum Branch
Theni District

... 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 respondent in his impugned e-auction sale notice for immovable property dated 06.03.2023 and set aside the same as not maintainable and consequently



W.P.(MD) No.7597 of 2023

direct the official respondents to restore the possession of the property measuring an extent of 877 ¼ sq.ft., with residential building thereon Door No.13-A, in Survey No.769/6 & 761 in T.S.No.24, Ward No.D, Block No.20, Old Ward 28, New Ward 33, situated in Pasumpon Muthuramalingam Street, Cumbum Town, Cumbum Sub-Registration, Periyakulam Registration District, Theni District, to the petitioner.

For Petitioner : Mr.H.Velavadhas

For Respondents : Mr.N.Dilip Kumar

ORDER

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

In view of the fact that the Debts Recovery Tribunal, Madurai, is not manned, we are entertaining this writ petition.

2. Mr.N.Dilip Kumar, learned counsel, takes notice for the respondent – Bank.

3. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.



W.P.(MD) No.7597 of 2023

WEB COPY

4. The sale notice, dated 06.03.2023, issued by the respondent – Bank, is under challenge in this writ petition.

5. Learned counsel for the petitioner would submit that the petitioner would be in a position to liquidate the entire debt, if sometime is granted to him.

6. Considering the fact that sale notice is issued and the sale is fixed on 18.04.2023, the writ petition is disposed of in the following terms:

- (i) The respondent – Bank shall not proceed with the sale, if the petitioner pays a sum of Rs.4,03,025/- (Rupees four lakhs three thousand and twenty five only) to the respondent – Bank, on or before 17.04.2023.
- (ii) The balance amount of Rs.9,00,000/- (Rupees nine lakhs only) shall be paid by the petitioner in four equated monthly installments commencing from May, 2023. The monthly instalments shall be paid on or before 20th of every succeeding month.



W.P.(MD) No.7597 of 2023

WEB COPY

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

(iv) If there is a default in payment as directed above, the respondent – Bank can proceed with the sale.

No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

05.04.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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W.P.(MD) No.7597 of 2023

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

krk

W.P.(MD) No.7597 of 2023
and
W.M.P.(MD) No.7070 of 2023

05.04.2023