



W.P.(MD)No.8225 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P.(MD)No.8225 of 2023

and

W.M.P.(MD)No.7581 of 2023

S.Sivaraman

... Petitioner

Vs.

1.M/s.City Union Bank Ltd.,
Represented by its Branch Manager,
Melur Branch, D.No.243/2C1A,
Near Bhaskaran Clinic,
Alagar Kovil Road-Melur,
Madurai, Madurai District.

2.The Authorized Officer,
M/s.City Union Bank Ltd.,
Melur Branch, D.No.243/2C1A,
Near Bhaskaran Clinic,
Alagar Kovil Road-Melur,
Madurai, Madurai District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned



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possession notice dated 22.02.2023 issued by the 2nd respondent herein and quash the same.

For Petitioner : Mr.B.Rajesh Saravanan

For Respondents : Mr.R.Pandivel

ORDER

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

Challenging the possession notice issued by the 2nd respondent dated 22.02.2023, this Writ Petition has been filed.

2.Even though as against the impugned notice the petitioner can approach the Debts Recovery Tribunal, the difficulty expressed by the learned counsel for the petitioner is that the Presiding Officer of the Debts Recovery Tribunal, Madurai jurisdiction is not available and therefore, it is very difficult to immediately approach the Debts Recovery Tribunal and get some urgent interim orders.

3.However, the learned counsel for the respondents would submit that sale has been fixed on 21.06.2023 and the due payable by the petitioner



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as on date is Rs.28,00,000/- (Rupees Twenty Eight Lakhs Only). Therefore, it is for him to make a payment and avoid the same.

4.In this context, the learned counsel for the petitioner would submit that the petitioner would pay a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) on or before 21.06.2023 and the remaining amount will be paid in two monthly installments.

5.The said submission made by the learned counsel for the petitioner is recorded.

6.Considering the fact that the property in question, which is going to be brought for sale by way of auction scheduled to be held on 21.06.2023, is a dwelling house of the petitioner, we are inclined to pass the following order:-

“that there shall be a direction to the petitioner to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) on or before 05.00 p.m., on 20.06.2023 to the respondent Bank, failing which it is open to the respondent Bank to proceed with the auction on



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21.06.2023. *The remaining due payable out of total Rs.28,00,000/- shall be paid by the petitioner within a period of two months by way of installments, failing which also it is open to the respondent Bank to take necessary steps to bring the property in question for sale by fixing a fresh auction."*

7. With these directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) & (K.K.R.K, J.)

16.06.2023

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

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R.SURESH KUMAR, J.

AND

K.K.RAMAKRISHNAN, J.

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