



W.P.(MD) No.8568 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2023

CORAM:

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

**W.P.(MD) No.8568 of 2023
and
W.M.P.(MD) No.7866 of 2023**

PRV Provision Store
Prop by C.Vijayan
No.7, Head Post Office Road
Kumbakonam
Thanjavur District

... Petitioner

-vs-

- 1.The Debts Recovery Tribunal II
6th Floor, Additional Office Building
Shastri Bhavan
Haddows Road
Chennai-600 006
- 2.The Regional Manager
Regional Office
Canara Bank
No.42/1-A, Bishop Sundaram Complex
VOC Nagar
Thanjavur-613 007



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3.The Authorized Officer
Kumbakonam Main Branch Office
Canara Bank
Kumbakonam
Thanjavur District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records pertaining to the impugned sale notice of the third respondent dated 16.03.2023, issued under Section 13(4) of the SARFAESI Act, 2002, for the subject property and quash the same.

For Petitioner : Mr.KR.Bharathi Kannan

For Respondents : Mr.R.Pandivel
Standing Counsel for R2 & R3

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



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

4. Challenge in this writ petition is to the sale notice dated 16.03.2023, issued by the respondent Bank.

5. Sale is scheduled to be held on 19.04.2023.

6. In order to give an opportunity to the petitioner to redeem the secured asset, this writ petition is disposed of with the following directions:

- (i) The respondent – Bank shall go ahead with the sale, but, it shall not confirm the sale, if the petitioner pays a sum of Rs.5,06,700/- (Rupees five lakhs six thousand and seven hundred only) to the respondent – Bank, on or before 18.05.2023.
- (ii) The balance amount shall be paid by the petitioner in three equated monthly installments commencing from June, 2023. The monthly instalments shall be paid on or before 18th of every succeeding month.



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(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.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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