



W.P(MD)No.11997 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.11997 of 2022
and
W.M.P(MD)Nos.8548, 8549 & 8550 of 2022**

S.Lingeswari

... Petitioner

VS.

1.The Authorized Officer,
City Union Bank,
Credit Recovery and Management Department,
Administrative Office,
No.24-B, Gandhi Nagar,
Kumbakonam,
Thanjavur District.

2.The Branch Manager,
City Union Bank Limited,
Srivilliputhur Branch,
No.144/2, South Car Street,
Srivilliputhur Town,
Virudhunagar District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Ceritorari, to call for the records pertaining to the impugned tender cum auction sale notice in C.O/REC/NPA/2022 dated 04.06.2022 issued by the first respondent under SARFAESI Act and



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the order made in CrI.M.P.No.525 of 2022 dated 10.06.2022 on the file of the Chief Judicial Magistrate Court, Srivilliputur and to quash the both as illegal and arbitrary.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.M.Prakash

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition for issuance of a Writ of Ceritorari, to quash the impugned tender cum auction sale notice in C.O/REC/NPA/2022 dated 04.06.2022 issued by the first respondent under SARFAESI Act and the order made in CrI.M.P.No.525 of 2022 dated 10.06.2022 on the file of the learned Chief Judicial Magistrate, Srivilliputur.

2.When the matter came up for hearing on 16.06.2022, this Court passed the following order:-

"8.Accordingly, there shall be an order of interim stay of all further proceedings pursuant to the impugned notice and the order of the learned Chief Judicial Magistrate, on condition that the petitioner deposits a sum of Rs.



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WEB COPY 10,00,000/- on or before 11.07.2022 and deposits a further sum of Rs.10,00,000/- on or before 04.08.2022. In case, the petitioner commits default of any one of the installments, the interim stay granted by this Court shall stand automatically vacated without further reference to this Court and it is open to the bank to proceed further in accordance with law.

9. The petitioner is directed to deposit the Demand Drafts drawn for a sum of Rs.10,00,000/- in favour of the bank, to the credit of the loan account during working hours by tomorrow. The payment made by the petitioner is without prejudice to any of the contentions of the bank that may be raised at the time of further hearing."

3.The learned counsel appearing for the petitioner submitted that the aforesaid conditional order passed by this Court, dated 16.06.2022 has been complied with and now, the petitioner seeks liberty to approach the respondent Bank to consider under One Time Settlement scheme. Till such time, the respondent Bank shall not take any coercive steps for recovery of the balance outstanding amount.

4.The learned counsel appearing for the respondent Bank submitted that if the petitioner made a request before the respondent Bank



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within the time stipulated by this Court, the same shall be considered by the respondent Bank as per the RBI norms.

5.Considering the submissions made on either side, without expressing any opinion on the merits of the case, the petitioner is directed to submit a proposal for One Time Settlement to the respondent Bank within a period of two weeks from the date of receipt of a copy of this order. On receipt of such proposal, the same shall be considered by the respondent Bank in accordance with the RBI norms as early as possible preferably within a period of six weeks thereafter. Till such time, no coercive steps shall be taken by the respondent. If there is any default on the part of the petitioner, we make it clear that it is open to the respondent Bank to take further action, if it so desires.

6.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes

[D.K.K.,J.] [R.V.,J.]
23.01.2023

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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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