



W.P.(MD) No.10496 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2023

CORAM:

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

**W.P.(MD) No.10496 of 2023
and
W.M.P (MD) Nos.9327 and 9329 of 2023**

Rajarathinam

... Petitioner

-VS-

The Authorised Officer,
Union Bank of India,
Karaiyur Branch,
60-A, Manaparai Road,
Karaiyur, Pudukottai District.

... Respondent

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 possession notice dated 09.06.2022 and E auction sale notice dated 29.09.2022 issued by the respondent bank and quash the same.

For Petitioner : Mr.K.G.Arunkumar

For Respondent : Mr.N.Dilip Kumar



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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.

4. The possession notice, dated 09.06.2023, issued by the respondent – Bank, is under challenge in this writ petition.

5. Learned counsel appearing for the petitioner would submit that he would able to liquidate the entire debt, if sometime is granted.



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6. Considering the nature of the borrowing and the fact that the secured asset is a dwelling house, the writ petition is disposed of with the following directions:

- (i) We stay all further proceedings pursuant to the possession notice dated 09.06.2022, if the petitioner pays a sum of Rs.31,541/- (Rupees Thirty One Thousand Five Hundred and Forty One only) to the respondent – Bank, on or before 15.05.2023.
- (ii) The remaining amount of Rs.6,00,000/- (Rupees Six Lakhs only) shall be paid by the petitioner in twelve equated monthly installments of Rs.50,000/- (Rupees Fifty Thousand only) commencing from 15th June, 2023. The monthly installments shall be paid on or before 30th of every succeeding month.
- (iii) The interest that accrues in the interregnum and the cost of the sale shall be paid along with the last installment.



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(iv) If there is a default in payment as directed above, the respondent – Bank can proceed further to take possession of the secured asset as well as for recovery of the amount due.

No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC : No
Index : No
Internet : Yes
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