



**W.P.(MD) No.10505 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.10505 of 2023  
and  
W.M.P (MD) No.9334 of 2023**

M/s.Hotel Surya  
Proprietor Mr.K.Sivakumar

... Petitioner

**-VS-**

The Authorised Officer,  
Union Bank of India,  
100A Ground Floor, Naveen Plaza,  
Salai Road, Woraiyur,  
Trichy District – 620 003.

... 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 notice issued by the respondent vide his proceedings Nil dated 06.04.2023 and to quash the same as illegal.

For Petitioner : Mr.H.Mohammed Imran  
for M/s.Ajmal Associates



**W.P.(MD) No.10505 of 2023**

**WEB COPY** For Respondent : Mr.R.Pandivel

**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 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 sale notice, dated 06.04.2023, issued by the respondent – Bank, under Rule 8(6) of the Security Interest (Enforcement) Rules, 2002, is under challenge in this writ petition.



**W.P.(MD) No.10505 of 2023**

WEB COPY

5. Considering the fact that the sale is scheduled to be held on 11.05.2023 and the petitioner offers to liquidate the entire debt, if sometime is granted to him, the writ petition is disposed of with the following directions:

- (i) The respondent – Bank shall not proceed with the sale, if the petitioner pays a sum of Rs.2,40,308/- (Rupees Two Lakhs Forty Thousand only) to the respondent – Bank, on or before 10.05.2023.
- (ii) The remaining amount of Rs.12,00,000/- (Rupees Twelve Lakhs only) shall be paid by the petitioner in four equated monthly installments commencing from 10<sup>th</sup> June, 2023. The monthly installments shall be paid on or before 30<sup>th</sup> 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.
- (iv) If there is a default in payment as directed above, the respondent – Bank can proceed with the sale.



**W.P.(MD) No.10505 of 2023**

**WEB COPY** No costs. Consequently, connected miscellaneous petition is closed.

**[R.S.M., J.]                      [L.V.G., J.]**

**27.04.2023**

NCC : No  
Index : No  
Internet : Yes  
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**W.P.(MD) No.10505 of 2023**

**R.SUBRAMANIAN, J.**  
**AND**  
**L.VICTORIA GOWRI, J.**

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**W.P.(MD) No.10505 of 2023**

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