



W.P.(MD) No.11509 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.05.2023

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P.(MD) No.11509 of 2023
and
W.M.P.(MD) Nos.10007 & 10008 of 2023**

K.S.Arumugam

... Petitioner

-VS-

The Authorized Officer,
Tamil Nadu Mercantile Bank Limited,
Madurai Main Branch,
No.51, East Avani Moola Street,
Madurai Main Branch,
Madurai-1.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records relating to the impugned sale notice dated 06.04.2023 on the file of the respondent and quash the same as illegal and consequently directing the respondent to grant the time for three months period to the petitioner, for repayment of the entire



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loan amount of Rs.23,23,220.04 to the respondent Bank and pass such further or other orders as this Court.

For Petitioner : Mr.R.Udhayakumar

For Respondent : Mr.N.Dilip Kumar
Standing Counsel

ORDER

Heard the learned Counsel on either side.

2. The petitioner questions the impugned auction sale notice.

3. In order to show his *bona fide*, the petitioner has produced a demand draft for a sum of Rs.5,00,000/- (Rupees five lakhs only) favouring the respondent. The petitioner undertakes to clear the remaining liability in four equal monthly installments.

4. The first installment shall commence on 20.06.2023. If the petitioner commits default in paying two successive installments, the benefit of this order would automatically get vacated without further reference to this



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WEB COPY Court. In view of the partial liquidation of liability and undertaking given by the petitioner to clear the remaining liability in four equal monthly installments, the impugned proceedings are to be kept in abeyance.

5. Accordingly, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions stand closed.

[G.R.S., J.] [S.S.Y., J.]

11.05.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk / btr

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