



WEB COPY

W.P.(MD)No.11736 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.05.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.11736 of 2023
and
W.M.P.(MD)No.10175 of 2023**

G.Kasthuri

... Petitioner

-VS-

The Authorized Officer,
State Bank of India,
Aruppukottai Branch,
Virudhunagar District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned sale notice of the respondent, dated 21.04.2023 for E-Auction scheduled to be conducted on 30.05.2023 between 11.00 a.m. and 12.00 p.m. and quash the same as illegal.

For Petitioner

: Mr.R.Balamuruganantham

For Respondent

: Mr.T.Thevan
Standing Counsel



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W.P.(MD)No.11736 of 2023



ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

This Writ Petition has been filed challenging the impugned sale notice of the respondent, dated 21.04.2023, for E-Auction scheduled to be conducted on 30.05.2023 between 11.00 a.m. and 12.00 p.m.

2. Learned counsel appearing for the petitioner submits that the petitioner has availed a housing loan for the tune of Rs.13,00,000/- in the year 2013 and her husband namely, Sekar, who is serving as Headmaster in Elementary School, situated at Vallam, Kamuthi Taluk, Ramanathapuram District, is the co-borrower of the aforesaid loan. The total outstanding amount as on date is at Rs.9,31,034/-. Now the petitioner is prepared to pay a sum of Rs.1,00,000/- to the respondent Bank by way of Demand Draft, bearing No.536929, dated 17.05.2023, drawn on Indian Overseas Bank, Aruppukottai, and pay Rs.1,50,000/- within a period of two weeks from today and another sum of Rs.2,50,000/- within a period of two weeks thereafter and pay the remaining amount within a period of four weeks thereafter.



W.P.(MD)No.11736 of 2021

3. Today, learned Standing Counsel appearing for the respondent has received the Demand Draft for Rs.1,00,000/- and agreed for the aforesaid payment schedule made by the learned counsel for the petitioner. He further submitted that if the petitioner commits default in payment of any one of the above instalments, liberty may be given to the respondent Bank to proceed further in accordance with law.

4. Recording the above submissions, the Writ Petition is disposed of directing the petitioner to pay a sum of Rs.1,50,000/- within a period of two weeks from today and pay another sum of Rs.2,50,000/- within a period of two weeks thereafter and pay the remaining amount within a period of four weeks thereafter. Till such time, the impugned order shall be kept in abeyance. If the petitioner commits default in payment of any one of the instalments, the respondent Bank will be at liberty to proceed further in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index: Yes / No
Internet: Yes

[T.R., A.C.J.] [L.V.G., J.]
18.05.2023



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W.P.(MD)No.11736 of 2023:

T.RAJA, A.C.J.

and

L.VICTORIA GOWRI, J.

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ORDER MADE IN
W.P.(MD)No.11736 of 2023

DATED : 18.05.2023