



W.P.(MD) No.14296 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2023

CORAM:

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

**W.P.(MD) No.14296 of 2023
and
W.M.P.(MD) No.12096 of 2023**

1.M/s.Car Care Centre
Rep. by its Proprietor K.K.Rahubudeen

2.K.K.Rahubudeen ... Petitioners

-VS-

The Authorised Officer,
Punjab National Bank,
SASTRA Center, PNB House,
Trichy Thanjavur Road,
Kailasapuram,
Trichy 620014.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the sale notice for sale of the immovable property dated 15.05.2023 issued by the respondent herein in respect of the property at RS No.45/1 part Auto Nagar, Perumalpandi Village,



W.P.(MD) No.14296 of 2023

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For Petitioners : Ms.AL.Gandhimathi
Senior Counsel
for Mr.C.Mahadevan

For Respondent : Mr.S.Balasubramanian

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.S.Balasubramanian, learned Standing 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.



W.P.(MD) No.14296 of 2023

WEB COPY

4. The petitioners' challenge is to the sale notice issued by the respondent – Bank. The reason assigned for the default in making monthly installments is that after the borrowing lock down was imposed and as such, the petitioner could not repay the loan amount.

5. Considering the over all circumstances, the writ petition is disposed of with the following directions:

- (i) The Bank will go ahead with the sale but, it shall not confirm the same, if the petitioners pay a sum of Rs.10,27,441/- (Rupees Ten Lakhs Twenty Seventy Thousand Four Hundred and Forty One only) to the respondent – Bank, on or before 16.07.2023.
- (ii) The remaining amount shall be paid by the petitioners in eight equated monthly installments commencing from 16th August, 2023. The monthly installments shall be paid on or before 16th 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



W.P.(MD) No.14296 of 2023

WEB COPY

installment.

- (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.]

16.06.2023

NCC : No
Index : No
Internet : Yes
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W.P.(MD) No.14296 of 2023

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

PKN

W.P.(MD) No.14296 of 2023

16.06.2023