



W.P.(MD) No.14785 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

CORAM:

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

**W.P.(MD) No.14785 of 2023
and
W.M.P.(MD) No.12465 of 2023**

S.Sunaja

... Petitioner

-VS-

1. The Authorized Officer,
Indian Bank, Colachel Branch,
Kanyakumari District - 629 251.

2. The Branch Manager,
Indian Bank, Colachel Branch,
Kanyakumari District - 629 251.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned Sale Notice made by the 1st respondent dated 03.06.2023 received by the petitioner on 08.06.2023, Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 read with Rule 8(6) of the



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Security Interest (Enforcement) Rules 2022 (SARFAESI) and quash the same and consequently direct the 1st respondent to consider the change over facility to another bank and transfer the Agricultural Medium Term Loan of the petitioner in AMTL 6353688194, GECLS 6928291389 and GECLS Extn 7122186713 in the 2nd respondent bank.

For Petitioners : Mr.V.M.Jegadeeshapandian

For Respondent : Mr.N.Dilip Kumar

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 Standing Counsel, takes notice for the respondents – Bank. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.



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3. The petitioner's challenge is to the sale notice dated 03.06.2023, issued by the respondents – Bank. The amount due is stated to be Rs.18,89,569/- (Rupees Seven Lakhs Twelve Thousand only).

4. The learned counsel appearing for the petitioner would submit that she would be able to liquidate the entire debt if she is given some time.

5. Considering the said statement and in order to provide an opportunity to save her property, 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 petitioner pays a sum of Rs.5,89,569/- (Rupees Five Lakhs Eighty Nine Thousand Five Hundred and Sixty Nine only) to the respondent – Bank, on or before 21.07.2023.
- (ii) The remaining amount of Rs.13,00,000/- (Rupees Thirteen Lakhs only) shall be paid by the petitioner in six equated monthly installments commencing from



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21st August, 2023. The monthly installments shall be paid on or before 21st 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 respondents – Bank can proceed with the confirmation of the sale.

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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