



W.P.(MD) No.15054 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2023

CORAM:

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

**W.P.(MD) No.15054 of 2023
and
W.M.P.(MD) No.12664 of 2023**

J.Antony Prabhu

... Petitioner

-VS-

The Authorized Officer,
M/s.Indian Bank,
Kanyakumari Branch,
Kanyakumari District.

... 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 E-Auction Sale notice dated 06.06.2023 issued by the respondent and quash the same.

For Petitioners : Mr.P.R.Prithiviraj

For Respondent : Mr.C.Karthik



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

3. The petitioner's challenge is to the sale notice dated 06.06.2023, issued by the respondent – Bank.

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

5. The amount due as of today is Rs.54,70,899/- (Rupees Fifty Four Lakhs Seventy Thousand Eight Hundred and Ninety Nine only). Learned counsel



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appearing for the respondent – Bank would submit that the petitioner is not entitled to any indulgence, since enough time has been granted.

5. However, taking note of the fact that the secured asset is a residential house, the writ petition is disposed of with the following directions:

- (i) The respondent – Bank shall proceed with the sale, but it shall not confirm the sale, if the petitioner pays a sum of Rs.24,70,899/- (Rupees Twenty Four Lakhs Seventy Thousand Eight Hundred and Ninety Nine only) to the respondent – Bank, on or before 26.07.2023.
- (ii) The remaining amount of Rs.30,00,000/- (Rupees Thirty Lakhs only) shall be paid by the petitioner in four equated monthly installments commencing from 26th August, 2023. The monthly installments shall be paid on or before 26th of every succeeding month.



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- (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 to confirm the sale and 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.]

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NCC : No
Index : No
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