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W.P.(MD) No.15251 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2023

CORAM:

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

W.P.(MD) No.15251 of 2023

and

W.M.P.(MD) No.12864 of 2023

R.Mohammed Ibrahim

... Petitioner

-vs-

The Authorised Officer
Indian Overseas Bank
Regional Office
Plot No.40, 80 Feet Road
Anna Nagar, Madurai-20

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records relating to the impugned e-auction sale notice issued by the respondent dated 24.05.2023, by fixing the e-auction on 30.06.2023 and quash the same as illegal.

For Petitioner : Mr.D.Venkatesh

For Respondent : Mr.N.Dilip Kumar



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W.P.(MD) No.15251 of 2023

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 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.

4. The sale notice, dated 24.05.2023, issued by the respondent - Bank, is under challenge in this writ petition.

5. Considering the fact that the borrower is no more and his legal heirs seek to save the secured asset by paying the amount due within the time to be granted by this Court, this writ petition is disposed of with the following directions:

- (i) The respondent – Bank can proceed with the sale, but shall not confirm the same, if the petitioner pays



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a sum of Rs.4,30,077/- (Rupees four lakhs thirty thousand and seventy seven only) to the respondent – Bank, on or before 27.07.2023.

- (ii) The balance amount of Rs.6,00,000/- (Rupees six lakhs only) shall be paid by the petitioner in four equated monthly installments commencing from August, 2023. The monthly installments shall be paid on or before 27rd of every succeeding month.
- (iii) The interest payable for the interregnum period 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 with the sale.

No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

27.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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