



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Special Original Jurisdiction

Wednesday, the Twenty Third day of August Two Thousand and Twenty Three

PRESENT:

The Hon`ble Mr.Justice S.S.SUNDAR

AND

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

WP(MD)No.16043 of 2023

T.Vijayakumar

... Petitioner.

Vs

1 The Authorized Officer

Tamilnadu Mercantile Bank Limited

Karungal Branch

Marthandam Highway Road,Karungal

Kanyakumari District

2 Varghese.V

... Respondents.

Prayer:- Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent bank to receive the Demand Draft of Rs.10,53,782/- dated 19.06.2023 took by the petitioner in favour of the bank for the balance due amount towards Loan No. 382700160950000 and consequently direct the 1st respondent bank not to confirm the sale made on 07.11.2022 and also direct to comply the directions made by this Court in the light of order in WMP(MD)No. 7466 of 2023 in WP(MD)No. 28268 of 2022.

ORDER:- This Petition is listed today under the caption "for reporting compliance" and upon perusing the earlier order of this Court dated 26/07/2023 and the hearings of Mr.S.Arivalagan, Advocate for the Petitioner and of Mr.N.Dilipkumar, Standing Counsel for the first respondent and Mr.T.Selvakumaran, Advocate for the second respondent, this Court made the following order:



[Order of the Court was made by S.S.SUNDAR, J.]

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This writ petition is listed today under the caption “for reporting compliance”.

2. This Court, earlier by order dated 26.07.2023, disposed of the writ petition with several directions. One of the directions issued by this Court is that the petitioner has to pay a sum of Rs.12,31,155/- (Rupees twelve lakhs thirty one thousand one hundred and fifty five only) to the first respondent – Bank on or before 10.08.2023. In the said order, this Court also observed that on payment of the said amount, the second respondent – auction purchaser will have no other claim as against the petitioner in respect of the loan or the property, which is mortgaged by him. It was further observed that the second respondent shall cancel the sale certificate registered. Apart from the said direction and observations, there were further directions.

3. Now, the payment of a sum of Rs.12,31,155/- (Rupees twelve lakhs thirty one thousand one hundred and fifty five only) to the first respondent – Bank is reported by the petitioner and hence, the direction by this Court in the order dated 26.07.2023, had been complied with. Even though there is a short delay in the payment, the fact remains that the said payment, as required under the order passed by this Court earlier, is made and this Court, having regard to the facts and circumstances, condones the delay in making the payment and holds that the



payment made by the petitioner is in accordance with the directions issued by this Court in the order dated 26.07.2023.

4. Learned counsel for the second respondent has given an undertaking to hand over all the documents relating to the mortgaged property to the respondent – Bank, within a period of one week from the date of receipt of a copy of this order and the respondent – Bank will in turn hand over the same to the petitioner within a period of one week thereafter.

5. Needless to say that the original application filed by the respondent – Bank shall be withdrawn.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/09/2023

Sub Assistant Registrar(CS)

TO

The Authorized Officer
Tamilnadu Mercantile Bank Limited
Karungal Branch
Marthandam Highway Road, Karungal
Kanyakumari District

+1cc to Mr.S.Arivalagan, SR. No.40226.

+1cc to Mr.N.Dilipkumar, SR. No.40084.



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ORDER DATED : 23/08/2023

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ORDER

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WP(MD)No.16043 of 2023

Giving direction and etc.
as stated within.

KB(13.09.2023) 4P 4C