



W.P.(MD) No.24974 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR**

W.P.(MD) No.24974 of 2022

and

W.M.P(MD)No.19089 of 2022

M/s.Sriram Super Market,
72-73, Thirumohur Road,
Othakadai,
Madurai – 625 107,
Represented by its Partner C.Balamurali,
S/o.R.S.Chandran,
Old No.148A, New No.617,
Kamarajar Salai,
Theppakulam,
Madurai South,
Munichalai Road,
Madurai – 625 009.

... Petitioner

-VS-

1.The Authorized Officer,
Canara Bank,
Iyer Bungalow,
Madurai – 625 014.



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2.The Branch Manager,
Canara Bank,
Iyer Bungalow,
Madurai – 625 014.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the impugned sale notice issued by the first respondent, dated 17.10.2022 vide Ref: MDU/REC/SN/001/2022-23 and quash the same.

For Petitioner : Mr.R.Saravanan

For R – 2 : Mr.F.Deepak

ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

Challenging the impugned sale notice issued by the first respondent vide Ref: MDU/REC/SN/001/2022-23, dated 17.10.2022, the petitioner has filed the present Writ Petition.



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2. Since the Debts Recovery Tribunal, Madurai, is functioning once in a week, we are inclined to entertain this Writ Petition.

3. Learned counsel appearing for the petitioner submitted that the conditional interim order passed by this Court, dated 03.11.2022, has been complied with and the petitioner is ready to pay the remaining outstanding amount of Rs.12,50,000/- within a period of five months.

4. In reply, learned counsel appearing for the second respondent Bank objected to the aforesaid submission and submitted that three months time may be granted to the petitioner for paying the remaining outstanding amount. He further submitted that in case of default in payment of anyone of the instalments, liberty may be given to the respondent Bank to proceed further in accordance with law.

5. Considering the submissions made on either side, the Writ Petition is disposed of directing to the petitioner to pay the remaining outstanding amount of Rs.12,50,000/- (Rupees Twelve Lakhs and Fifty Thousand Only) to the respondent Bank in five consecutive equal monthly instalments. The first



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instalment shall be paid on or before 10.04.2023 and the subsequent four instalments shall be paid on or before 10th day of every succeeding months until 10.08.2023. Till such time, no coercive action shall be taken by the respondent Bank against the petitioner. If the petitioner fails to pay any one of the instalments, it is open to the second respondent – Bank to proceed further in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

[T.R., A.C.J.] [D.K.K., J.]
02.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

To

1. The Authorized Officer,
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Iyer Bungalow,
Madurai – 625 014.

2. The Branch Manager,
Canara Bank,
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THE HON'BLE THE ACTING CHIEF JUSTICE
and
D.KRISHNAKUMAR, J.

ps

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