



W.P.(MD)No.23921 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.P.(MD)No.23921 of 2023

and W.M.P.(MD) Nos.20084, 20086 and 20087 of 2023

U.Maruthupandian

... Petitioner

Vs.

1.The Authorised Officer,
Tamilnad Mercantile Bank Ltd.,
Madurai Tallakulam Branch,
111-112, Alagarkovil Road,
Tallakulam,
Madurai – 625 002.

2.S.Arulanbarasu

...Respondents

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 order dated 29.03.2023 passed in Cr.M.P.No.190 of 2023 on the file of the learned Chief Judicial Magistrate, Madurai and the consequential lock and seal dated 26.09.2023 of the premises in S.No.178/1B to an extent of 50 Cents and S.No.178/1A2 to an extent of 75 Cents in Majampatti Village, Alanganallur, Madurai North Circle, Madurai District and pass appropriate orders within a time stipulated by this Court.



W.P.(MD)No.23921 of 2023

For Petitioner : Mr.S.Muthukumar

For Respondents : Mr.AR.M.Ramesh
for R1

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The petitioner is the borrower / erstwhile owner of the subject property and admittedly the subject property mortgaged was auctioned by the first respondent Bank. The second respondent is the successful purchaser, who had deposited part amount of sale price. The bank had already taken possession of the subject property.

2. Learned counsel appearing on behalf of the petitioner made a submission that the borrower / erstwhile owner is ready and willing to pay a sum of Rs.2,00,000/- (Rupees Two Lakhs only) for the purpose of cancelling the sale and take possession of the subject property.

3. Learned counsel appearing on behalf of the first respondent bank on instructions made a submission that the bank is also ready to accept the proposal submitted by the petitioner and on receipt of Rs.2,00,000/- from the petitioner, the



W.P.(MD)No.23921 of 2023

bank will cancel the sale and handover the possession with title deeds to the erstwhile owner.

4. The parties are at liberty to complete the said process within four weeks from the date of receipt of a copy of this order. If the petitioner fails to pay the said sum of Rs.2,00,000/-, then the first respondent bank is at liberty to proceed further in accordance with law.

5. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

(S.M.S., J.) & (R.K.M., J.)
03.11.2023

NCC : Yes / No

Index : Yes / No

SJ



WEB COPY



W.P.(MD)No.23921 of 2023

S.M.SUBRAMANIAM, J.

AND

R.KALAIMATHI, J.

SJ

W.P.(MD)No.23921 of 2023

03.11.2023