



WEB COPY



W.P.(MD)No.25912 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

and

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.25912 of 2023

and

W.M.P.(MD)No.22255 of 2023

E.Vadivel

: Petitioner

Vs.

The Authorized Officer,
Canara Bank,
Vadamadurai Branch,
Vadamadurai,
Dindigul District.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned sale under Rule 8(6) of the SARFAESI Act, 2002 scheduling the auction sale on 27.10.2023 for recovery of sum of Rs.16,34,067.09 through e-auction mode issued by the respondent dated 25.09.2023 and quash the same as illegal and consequently directing the respondent bank to give breathing



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time and accept part payment as indicated in the impugned sale notice dated 25.09.2023 without awaiting the outcome of S.A. Diary No.1620/2023, pending before the Hon'ble Debts Recovery Tribunal – Madurai filed by the petitioner challenging the sale notice dated 25.09.2023.

For Petitioner : Mr.S.A.Ajamlkhan

For Respondent : Mr.C.Karthik

O R D E R

Heard both sides.

2.With the consent of learned Counsel on either side, the writ petition is taken up for final disposal.

3.The petitioner has availed housing loan from the respondent bank way back in the year 2010. He was rank defaulter. The dues have accumulated to a sum of Rs.16,48,582/-. The auction sale notice was issued on 25.09.2023. Auction is scheduled to be held tomorrow [27.10.2023] evening. The petitioner comes forward to remit a sum of Rs.5 Lakhs by tomorrow forenoon; he also undertakes to pay the balance in three equal monthly instalments. The first instalment shall commence on 01.12.2023. If the petitioner adheres to the undertaking given to this Court, the sale proceedings will be put on hold. If the



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petitioner fails to adhere to the undertaking now given before this Court, the benefit of this order will automatically stand vacated.

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4.Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[G.R.S.,J.] & [P.D.B.,J.]

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Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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G.R.SWAMINATHAN, J.

and

P.DHANABAL, J.

MR

ORDER MADE IN

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26.10.2023