



WEB COPY

W.P(MD)No.28517 of 2022



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.28517 of 2022
and
WMP(MD)No.22529 of 2022

Muniyasamy

... Petitioner

vs.

1. The State Bank of India,
Represented by its Branch Manager,
Ramanathapuram Branch,
Ramanathapuram.

2. The Authorised Officer/Chief Manager,
The State Bank of India,
Ramanathapuram Branch,
Ramanathapuram.

3. The Assistant General Manager,
The State Bank of India,
Ramanathapuram.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to impugned sale notice for sale of immovable properties dated 21.11.2022 issued by the 3rd respondent and quash the same.

For Petitioner : Mr.R.L.Dhilipan Pandian
For Respondents : Mr.N.Dilipkumar, Standing Counsel

**ORDER****(Order of the Court was made by D.KRISHNAKUMAR, J.)**

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On 21.12.2022, we passed the following order:-

"Challenging the E-Auction Sale Notice dated 21.11.2022, fixing the auction sale on 22.12.2022, the petitioner has filed this writ petition.

2. Learned counsel for the petitioner undertakes that the petitioner will pay a sum of Rs.3,00,000/- on or before 11.00 a.m of 22.12.2022. The learned counsel also undertakes that the petitioner will settle the entire remaining outstanding amount within a period of three months.

3. In view of the aforesaid undertaking given by the learned counsel for the petitioner, we direct the petitioner to pay a sum of Rs.3,00,000/- (Rupees Three Lakhs only) on or before 11.00 a.m of 22.12.2022. On receipt of such payment, the respondent Bank shall proceed with the auction sale, but confirmation of the sale shall stand stayed till 05.01.2023.

4. List the writ petition on 05.01.2023."

2. Today, when the writ petition was taken up for hearing, learned counsel for the petitioner submitted that the petitioner has complied with the aforesaid conditional order by depositing a sum of Rs.3,00,000/-. However, citing family circumstances of the petitioner, he sought for five months time to pay the remaining outstanding amount.



3. Learned standing counsel for the respondents objected to the aforesaid submission and contended that the petitioner has to settle the remaining outstanding amount within three months time as per his undertaking recorded in the aforesaid order dated 21.12.2022.

4. Considering the request made by the learned counsel for the petitioner and also the fact that the petitioner has complied with the aforesaid conditional interim order within the stipulated time, we are inclined to grant four months time to the petitioner for settling the remaining outstanding amount. The first instalment shall be paid on or before the 10th day of February 2023 and the subsequent instalments shall be paid on or before the 10th day of succeeding English Calender months. Till such time, the respondents shall not take any coercive action against the petitioner. If the petitioner commits default in payment of any one of the instalments, it is open to the respondents to proceed further in accordance with law.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No

Index : Yes / No

Internet : Yes

[D.K.K.,J.] & [R.V.,J.]

12.01.2023



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W.P(MD)No.28517 of 2022

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

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ORDER MADE IN
W.P(MD)No.28517 of 2022
DATED : 12.01.2023