



W.P.No.19800 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.19800 of 2024

1. Mrs.Vijaya
W/o (late) Mr.Narayanaswami
2. Mrs.P.N.Srividhya
D/o Mr.Narayanaswami .. Petitioners

v.

1. The Authorized Officer
Indian Bank home loan
Branch Office at Sterling Road Branch
Nungambakkam
Chennai 600 034
2. Mrs.Annapoorani
3. E.Seenivasan .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent not to sale under E-auction and further more direct the first respondent to collect the arrears of the EMI from second respondent and also permit the petitioners to retain the property which belongs to them.

For Petitioners :: Mr.S.Nambirajan



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ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

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W.M.P.No.21683 of 2024 seeking to permit the petitioners to file a single writ petition stands allowed.

2. This writ petition is filed for issuance of a mandamus directing the first respondent not to sell the immovable property through e-auction and also to collect the arrears of EMI from the second respondent and to permit the petitioners to retain the property which belongs to them. The petitioners have made serious allegations against the second and third respondents as if they were carrying on business. However, the petitioners have no reason to involve the first respondent Bank for the alleged fraud committed by the private respondents.

3. The learned counsel appearing for the petitioners states that the petitioners are prepared to deposit a substantial amount.



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4. It is always open to the petitioners to approach the first respondent

Bank for any concession or for restructuring the loan or for one time settlement. This Court, having regard to the reasons stated in the affidavit, cannot restrain the first respondent Bank from proceeding against the secured asset, especially when the property is sold in auction. It is open to the petitioners to challenge the sale, if the sale is fraudulent or collusive. In case the sale in favour of auction purchaser is set aside by civil Court or Tribunal, it is then open to redeem the property and approach the respondent Bank for one time settlement or for concession or for restructuring the loan. If a representation is submitted by the petitioners thereafter, the first respondent Bank shall consider the same in accordance with law or the norms and communicate the decision thereof to the petitioners within a reasonable time. The respondents shall maintain status quo in respect of the secured asset for a period of two weeks from the date of this order. The writ petition stands disposed of. Consequently, W.M.P.No.21684 of 2024 is closed.

Index : yes/no
Neutral citation : yes/no
ss

(S.S.S.R.,J.) (N.S.,J.)
25.07.2024



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To

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1. The Authorized Officer
Indian Bank Home Loan Branch Office
Sterling Road Branch
Nungambakkam
Chennai 600 034



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S.S.SUNDAR,J.

AND

N.SENTHILKUMAR,J.

SS

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