



W.P.(MD)No.5401 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.5401 of 2025

and

W.M.P.(MD)No.3958 of 2025

1.Minimol
2.Alenflorance

... Petitioners

-VS-

1.The Deputy Registrar,
The Madurai Urban Co-Operative Bank Limited,
Madurai District.

2.The Official Liquidator,
The Madurai Urban Co-Operative Bank Limited,
32, Naicker New Street, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for entire records relating to the impugned public auction notice issued by the first respondent herein in Form No.8 in CEP136/2010-2011/SF, dated 09.01.2025, is liable to be set aside and quash the same as illegal.

For Petitioners : Ms.K.Pandipriya

For Respondents : Mr.J.K.Jayaselan
Government Advocate



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ORDER

This Writ Petition has been filed seeking to quash the impugned public auction notice issued by the first respondent herein in Form No.8 in CEP136/2010-2011/SF, dated 09.01.2025.

2. With the consent of both sides, this Writ Petition is disposed of, at the admission stage itself.

3. According to the petitioners, the first petitioner's mother-in-law, Merlin Elizabeth, borrowed a loan of Rs.4,00,000/- from the first respondent using the property in question as security. The said Merlin Elizabeth passed away on 29.04.2020 and the first petitioner's husband died on 08.11.2020. The first petitioner and the second petitioner, who is the first petitioner's daughter, are the legal heirs of Merlin Elizabeth. The petitioners were unaware of the loan transaction details. On 09.01.2025, when officials of the respondent bank came to the petitioners' residence and attempted to affix a notice on the wall, the petitioners became aware of the loan default. The petitioners immediately approached the respondent bank, requesting time to settle the loan. However, the first respondent bank disregarded their request and issued the impugned public auction notice dated 09.01.2025. Hence, the present writ petition.



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4. The learned Government Advocate appearing for the respondents submits that the petitioners should be directed to deposit the admitted amount of the loan, within a period of two months. Upon receipt of the deposit, the petitioners' request will be considered in accordance with the bank's policies.

5. Considering the above submissions made, this Court directs the petitioners to deposit the admitted amount of the loan, within two months from today. Upon receipt of the said deposit, the respondent bank is directed to consider the petitioners' case and pass appropriate orders within one month thereafter. In the interregnum, the respondents shall maintain status quo prevailing as on date.

6. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No

27.02.2025

Index : Yes / No

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Note:- Issue order copy on 27.02.2025.



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VIVEK KUMAR SINGH, J.

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