



W.P(MD)No.14251 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.05.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.14251 of 2025
and
W.M.P.(MD) No.10476 of 2025**

M/S.Mary Constructions,
Pro. Mrs.Queen Mary

... Petitioner

vs.

Indian Bank,
represented by its Authorized Officer,
Palayakottai Branch,
Tirunelveli 627 002.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned sale notice dated 03.05.2025 issued by the respondent and quash the same as illegal.

For Petitioner : Mr.H.Mohamed Imran for
M/S.Ajmal Associates



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WEB COPY For Respondent : Mr.B.Rajesh Saravanan
Standing Counsel

ORDER

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

The present Writ Petition has been filed for issuance of a Writ of Certiorari, calling for the records relating to the impugned sale notice, dated 03.05.2025, issued by the respondent and to quash the same as illegal.

2.According to the petitioner, in the year 2020, they obtained a loan from the respondent Bank and due to COVID-19 pandemic, they could not repay the same within time, which led to the issuance of a sale notice dated 13.02.2023, fixing the auction on 18.03.2023. Aggrieved by the same, the petitioner filed W.P. (MD) No.5127 of 2023 before this Court and this Court, vide order, dated 05.04.2023, disposed of the said writ petition, directing the petitioner to pay an amount of Rs.3,06,25,556/- in ten equal monthly installments commencing from 10.05.2023. However, they failed to do so. Thereafter, they filed W.M.P.(MD) No. 18830 of 2023 in W.P.(MD) No.5127 of 2023 before this Court seeking three months time to repay the amount, which was also allowed by this Court, vide



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order dated 30.01.2024, with certain conditions, which was also complied in part with by the petitioner. Despite the above, the respondent Bank has now issued a fresh notice of sale, dated 03.05.2025, claiming a total due of Rs.33,97,659/-. Challenging the same, the present Writ Petition.

3.The learned counsel for the petitioner would submit that the petitioner is liable to pay a sum of Rs.33,97,659/- to the respondent Bank and has now drawn a Demand Draft in their own name for a sum of Rs.5,00,000/- to show their *bona fide*. He would further submit that the same shall be deposited in the account and the same may also be adjusted for the loan amount. The balance amount will be paid in two equated monthly installments commencing from June, 2025, for which, the learned Standing Counsel for the respondent is agreeable and would submit that the entire amount has to be paid by the petitioner in two equal monthly installments.

4.Heard the learned counsel appearing on both sides and perused the materials placed before this Court.



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5.Considering the submissions made on either side, the petitioner is directed to pay a sum of Rs.5,00,000/- through a Demand Draft to the respondent Bank immediately and to pay the balance amount in two equated monthly installments commencing from June, 2025, on or before the 25th day of every English calender month. Since the respondent has already initiated sale proceedings, the same shall go on, but the respondent is restrained from confirming the sale. In the event of any default in payment of the installments, the respondent Bank is at liberty to proceed further in accordance with law.

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

[S.S.Y.,J.] & [R.V.,J.]
21.05.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes

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To

Indian Bank,
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S.SRIMATHY, J.
and
R.VIJAYAKUMAR, J.

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ORDER MADE IN
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DATED : 21.05.2025