

THE HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.5313 of 2004

ORDER :

This writ petition is filed by the petitioner challenging the Notice dated 23-02-2004 issued by the 2nd respondent, whereby the 2nd respondent informed the petitioner that they intend to auction the property in view of the fact that she, after availing loan of Rs.20,000/-, failed to repay the same and the accumulated amount is more than Rs.95,000/-. On issuance of such notice, the petitioner approached this Court and also obtained interim stay of auction of the property.

Having heard the learned counsel on either side and perused the material available on record, this Court is of the view that the Writ Petition is not maintainable in view of the fact that the notice cannot be challenged before this Court by invoking the writ jurisdiction. If at all it is the grievance of the petitioner that the auction is proposed to be conducted by the respondents, the petitioner is hereby directed to give a representation to the respondent-bank informing that she is willing to pay the accumulated amount along with simple interest. On such representation, the respondent-bank is directed to consider the same favourably and pass appropriate orders. It is informed by the learned counsel for the petitioner that the petitioner has already paid Rs.20,000/- as per the direction of this Court. The said fact also to be considered by the respondent-bank while disposing the representation of the petitioner.

Accordingly, the Writ Petition is disposed of. No order as to costs. As a sequel, miscellaneous petitions pending, if any, in this Writ Petition are closed.

JUSTICE RAJA ELANGO

31st March, 2015

skmr