

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.10538 OF 2008

ORDER:

The writ petition is filed questioning the Notice in Form No.9 dated 24.04.2008, issued by the 1st respondent-Deputy Registrar in E.P.29/04/2004, without deducting the payment made by the petitioner.

It is the case of the petitioner that he borrowed a sum of Rs.1,00,000/- from the first respondent-Deputy Registrar for purchasing a house and in spite of the fact that the petitioner approached the 1st respondent for clearing the loan amount under one time settle scheme, the same was not accepted by the first respondent. On 25.4.2007, the 1st respondent issued a notice for recovery of Rs.1,66,986/- and thereafter the petitioner paid a sum of Rs.50,000/- through a demand draft on 25.09.2007. Once again a sale notice was issued on 20.12.2007 for a sum of Rs.1,56,986/- without accounting for the amount of Rs.50,000/- already paid by the petitioner. Even thereafter on 28.1.2008, petitioner claims to have been paid Rs.10,000/-. It is the allegation of the petitioner that without accounting for the amount received and without specifying the arrears, the 1st respondent issued the impugned notice. Hence, the writ petition.

Though writ petition is of the year, 2008, no counter-affidavits are filed by any of the respondents.

However, the learned counsel appearing for the respondents 1 and 2 would submit that the writ petition may be disposed with a direction to the 2nd respondent to specify the actual amount due from the petitioner and the petitioner may be given an opportunity to pay the same and redeem the mortgage.

The learned counsel for the petitioner also submits that on 02.05.2008, this Court while granting stay as prayed for directed the petitioner to pay 50% of the demanded amount i.e., Rs.1,56,986/-. He also submits that a sum of Rs.78,500/- was paid in compliance with the order of this Court vide Demand Draft dated 23.05.2008 for Rs.60,000/- and further sum of Rs.80,500/- through a demand draft dated 23.05.2008.

Having regard to the facts and circumstances of the case and considering the very narrow dispute which is involved in the matter, the 2nd respondent shall intimate the petitioner through a letter within a period of 10 days as to the actual amount due as on date strictly in terms of the agreement entered into by the petitioner for availing the loan. On receiving the said intimation, petitioner is at liberty to file his objections with respect to calculations in computation of interest and further interest within a period of one week thereafter. On receiving the objections, the 2nd respondent shall finally confirm the actual amount payable and the petitioner undertakes to pay the amount intimated within a period one week thereafter. The entire exercise shall be completed within a period of four weeks from the date of receipt of the copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

Date:07.12.2015.
Gk.

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