

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.3143 of 2009

ORDER:

Heard Mr. K. S. Murthy for petitioner and learned Assistant Government Pleader (Cooperation) for respondents.

2. Petitioner prays for the following relief:

“... to issue a writ or order or direction more particularly one in the nature of writ of mandamus:

i) declaring the action of the respondents in proceeding with enquiry and passing final orders on 21.5.2008 in Rc.No.747/95B and seeking to implement it by putting the house of the petitioner family to auction as illegal, and unconstitutional and ii) consequently set aside the proceedings dated 21.5.2008 passed by the 3rd respondent after declaring that no further proceedings can be initiated against the petitioner or other family members in this regard and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

3. On 24.02.2009, this Court granted interim stay of all further proceedings to realize the amount pursuant to order in Rc.No.747/95B dated 21.05.2008 and the same is subsisting as on date.

4. One of the basic pleas of petitioner is that the entire proceedings for realization of the amount pursuant to the proceedings referred to above is behind the back of petitioner, contrary to law, arbitrary and unconstitutional. Shortly stated, the case of the petitioner is everything is a surprise and realization of amount is illegal.

5. Respondents filed WVMP.No.2346 of 2009 and the counter affidavit filed in support of the said petition refers to various circumstances including active participation of petitioner in the proceedings before the third respondent.

6. No doubt, the petitioner has not stated all the details that are required

for making out a grievance against respondents. Be that as it may, the petitioner becomes answerable being the successor in interest of Venkateswarlu, who is the principal judgment debtor in the proceedings pending before the third respondent.

7. Mr. K.S. Murthy, counsel appearing for petitioner alternatively submits that the petitioner may be given liberty to apply to third respondent to inform the actual amount payable by the judgment debtor and on furnishing of such information by the third respondent and thereafter, to apply to third respondent for grant of installments of outstanding amount.

8. Having regard to the alternative submission of petitioner, I am satisfied the writ petition can be disposed of, without going into other aspects, by this order:

- a) Petitioner is given liberty to apply to respondents 3 and 4 to inform the amount payable by the father of the petitioner as on date and on such information being furnished to the petitioner, the petitioner is given further liberty to pray for installments on the amount payable.
- b) If such an application is made, it is needless to observe that respondents 3 and 4 consider and grant the prayers that are commensurate to the circumstances of the case to put an end to long standing recovery case.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

June 2, 2016
DSK