

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.23456 OF 2016

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ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the action of the 3rd respondent in issuing notice E.P.No.87/ LT/2014-15 dated 25.01.2016 by conducting the open auction of the mortgage properties of the petitioner without considering the representation dated 29.01.2016 of the petitioner is illegal, arbitrary and against the principles of natural justice and violation of Articles 14, 19, 21 and 300-A of the Constitution of India and consequently set aside the notice dated 25.01.2016.

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

A perusal of the record reveals that the father of the petitioner availed loan from the fourth respondent – Society and failed to repay the loan amount. The third respondent issued a notice to the petitioner directing him to pay the amount covered under E.P.No.87/LT/2014-15, dated 13.08.2014. The contention of the learned counsel for the petitioner is that the father of the petitioner died in the year 2009. A perusal of the record further reveals that the E.P. was filed on 13.08.2014 for recovery of an amount of Rs.1,92,255/-. No material is placed before this Court whether the award was passed prior or after the death of the father of the petitioner.

The learned counsel for the petitioner submitted that the petitioner submitted a representation dated 29.01.2016 to the fourth respondent to consider his case on humanitarian grounds. He further submitted that the fourth respondent may be directed to consider the case of the petitioner and pass appropriate orders.

Having regard to the facts and circumstances of the case, the

fourth respondent is hereby directed to dispose of the representation, if any, filed by the petitioner and pending before him within a period of two (2) months from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 20.07.2016

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