

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.480 of 2013**

1. Abdul Ajj, Aged About 54 Years S/o Abdul Kuddus R/o Village Kachhod, PO Tarabahara (Kachhod), Police Station, Tahsil & Block Manendragarh, Civil & Revenue Distt Baikunthpur, District Korea (CG).
2. Abdul Rashid, Aged About 40 Years S/o Abdul Kuddus R/o Village Kachhod, PO Tarabahara (Kachhod), PS, Tahsil & Block Manendragarh, Civil & Revenue Distt Baikunthpur, District Korla, (CG).
3. Abdul Latif, aged about 37 years, S/o Abdul Kuddus, R/o Village Kachhod, PO Tarabahara (Kachhod), PS, Tahsil & Block Manendragarh, Civil & Revenue Distt Baikunthpur, District Koriya (CG).

---- Petitioners**Versus**

1. Jila Sahakari Krishi & Gramin Vikash Bank Maryadit, Ambikapur, District Surguja, Through Chief Executive Officer.
2. Jila Sahakari Krishi & Gramin Vikash Bank Branch Manendragarh, District Korea through Branch Manager.
3. State of Chhattisgarh, through The Secretary, Cooperative Department, Mahanadi Mantralaya, New Raipur, District Raipur (CG).

---Respondents

For Petitioners : Mr. H.B. Agrawal, Sr. Advocate with Ms. Prabha Sharma, Advocate
 For State/Respondents: Mr. Mazid Ali, Panel Lawyer and Mr. Sunil Tripathi, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

30/06/2017

(1) Learned Senior counsel appearing for the petitioners would submit that impugned order dated 03.06.2013 suffers from illegality and liable to be set-aside.

(2) Learned counsel appearing for the respondents No.1 & 2 would support the impugned order and submit that against the action of Bank in auctioning the mortgaged property, civil suit was filed, that has been dismissed and first appeal has also been dismissed. Against that judgment and decree, second appeal is pending consideration before this Court.

(3) At this stage, learned Senior counsel appearing for the petitioners would submit that impugned order passed by State Government be made subject to the final outcome of second appeal pending before this Court.

(4) The prayer appears to be fair and reasonable.

(5) Accordingly, it is directed that the impugned order dated 03.06.2013 passed by State Government shall be subject to final outcome of second appeal pending between the parties.

(6) With the aforesaid direction, the writ petition is disposed of.
No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-