

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.17742 of 2011

ORDER

This writ petition is filed seeking the following relief:

“..to issue an order or direction or writ more particularly one in the nature of writ of mandamus or declaring the action of the respondent No.3, in issuing tender notice dated 29.04.2011 in respect of the properties belonging to the petitioners herein, and consequently declare the action of the respondents in proceeding against the properties of the petitioners herein, as illegal, arbitrary and violative of principles of natural justice and violative of article 300-A of Constitution of India and further direct respondents to execute redemption mortgage deed in respect of the petitioner's property and pass such other orders of orders.....”

No representation for the petitioners.

Learned counsel appearing for the respondents submitted that the present writ petition can be disposed of in terms of the order passed by the Division Bench of this Court in W.P.No.27887 of 2009 dated 07.04.2010.

Recording the proposal of respondent Nos.1 and 2 herein in the aforesaid writ petition that they will proceed in the first instance against a part of the mortgaged property (i.e., plots) belonging to defaulting members of 4th respondent-society and if the proceeds of sale of such part of the property are insufficient to clear all the dues then alone respondent Nos.1 and 2 would proceed against the other part of the mortgage property belonging to the non-defaulting members, the Division Bench disposed of the W.P.No.27887 of 2009 on 07.04.2010.

In the instant case also, it is represented that respondent Nos.1 and 2 do not intend to proceed against all the members of the society and initially they will proceed against the defaulting

members and thereafter steps will be taken to proceed against the other members.

Placing on record the above submissions made by respondent Nos.1 and 2, this Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

3rd August, 2017.
ssp

M.S.K.JAISWAL,J

