

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.26777 OF 2007

Date 07.12.2017

Between:

G.Hanumaiah.

... Petitioner

AND

Deputy Registrar/Officer, Special Duty, Karimnagar
District, Cooperative Central Bank Limited, Karimnagar
and others.

.....Respondents



HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.26777 of 2006

ORDER:

The Writ Petition is filed questioning notice dated 19.06.2006, of respondent No.2, stating that the dry land in Sy.No.518 Raqba, admeasuring Ac.2.8 gts, with poultry shed would be transferred in the name of respondent No.3 – Society.

Brief facts of the case, according to the petitioner, are that the petitioner, who claim to be the shareholder in the Primary Agricultural Cooperative Society – respondent No.3, obtained loan in the year 1996 to establish poultry farm, and paid Rs.2,43,100/- towards loan amount. Petitioner states that though he paid more than the loan obtained by him, respondent No.2 issued auction notice and, as no person participated in the auction, the subject land would be transferred in the name of respondent No.3 – Society to set off the loan amount.

Counter affidavit is filed by respondent No.3, inter alia, stating that petitioner obtained loan of Rs.1,81,800/- for establishment of poultry farm and mortgaged Ac.12.00 of land in Sy.No.518 situated at Elgaid Village and Mandal, Karimnagar District now Peddapalli District; petitioner committed default in payment of instalments; respondents issued Section 71 Certificate dated 31.01.2006 for Rs.61,950/-; thereafter, E.P. was filed for recovery; as the

petitioner did not respond to the demand notice dated 21.04.2006, auction was scheduled on 05.06.2006; and, as on 15.03.2017, the petitioner is liable to pay Rs.10,16,845/-.

While admitting the writ petition on 22.12.2006, this Court stayed the impugned auction notice.

WPMP.No.37090 of 2017 is filed by the legal representative of the deceased petitioner. By order dated 23.10.2017, this Court ordered the implead petition and the proposed petitioner has been impleaded as petitioner No.2 in the writ petition.

Heard the learned counsel for petitioner and learned Standing Counsel for respondents.

Learned counsel for petitioner submits that respondent No.3 – Bank issued a circular dated 07.11.2017 granting facility of One Time Settlement till 31.12.2017 to all the persons who have obtained loan; and petitioner No.2 be permitted to clear the loan amount in terms of circular dated 07.11.2017.

Learned Standing Counsel appearing for respondent No.3 – Bank states that he has no objection for the same.

In the circumstances, petitioner No.2 shall, within a period of one week from the date of receipt of a copy of the order, approach respondent No.3 – Bank and the Bank shall, in terms of circular dated 07.11.2017, consider his case for settlement of dues. If petitioner No.2 fails to avail the benefit

of circular dated 07.11.2017, respondent No.3 – Bank is at liberty to proceed in accordance with law.

The Writ Petition is, accordingly, disposed of. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Dt:07.12.2017
Usd

