

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

WRIT APPEAL No.1355 of 2016

JUDGMENT: (Per the Hon'ble Sri Justice V.Ramasubramanian)

Aggrieved by the dismissal of the Writ Petition challenging a sale, on the enforcement of a mortgage, the writ petitioner has come up with the above appeal.

2. Heard Sri Y.Ramathirtha, learned counsel for the appellant.

3. The appellant owned agricultural land which was mortgaged to the first respondent – Cooperative Society, in respect of a loan. The property was sold in an auction on 23.03.2007. The debt crystallized way back in the year 1996 with the issue of an execution certificate on 15.05.1996.

4. On the basis of a Government Order waiving the loan, that was issued subsequent to the issue of the execution certificate, the petitioner came up with a Writ Petition challenging the sale. The Writ Petition was filed in the year 2010. Learned single Judge dismissed the Writ Petition on the ground that it was hit by delay and laches.

5. We are in complete agreement with the learned single Judge. What happened *post facto* after issue of execution certificate cannot give a handle to the appellant to annul what

had happened earlier. Therefore, we find no merits in the Writ Appeal.

6. Hence, the Writ Appeal is dismissed. The miscellaneous petitions pending in this Writ Appeal, if any, shall stand closed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

V.RAMASUBRAMANIAN, J

06.08.2018
vs

