

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.9103 of 2019

ORDER:

This writ petition is disposed of at the stage of admission with the consent of both the parties.

This writ petition is filed seeking the following relief :-

“....to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus to declare the action of the respondent No.1 herein in issuing the Demand Notice as well as the Notice of Attachment of Immovable property vide E.P.Nos.08/2018 and 02/2018 dt.25.1.2019 and proposing to auction the mortgaged property basing on the exparte orders passed in O.P.No.15 of 2017 dt.14.9.2018 on the file of the 2nd respondent herein as being illegal, arbitrary and unjust and consequently set aside the same”.

Heard Dr.LLakshmi, learned counsel for petitioner and the learned counsel for the 1st respondent.

It has been contended by the petitioner that she is living in the property in question and, therefore, seeks stay of demand notice and notice of attachment of immovable property dated 25.01.2019.

Learned counsel appearing for the petitioner has contended that the petitioner would take effective steps to see that the ex-parte order in O.P.No.15 of 2017 dated 14.09.2018 is set aside and if reasonable time is granted to the petitioner, she would approach the Co-operative Tribunal and challenge the ex-parte orders passed in O.P.No.15 of 2017 dated 14.09.2018. Therefore, appropriate orders be passed in the writ petition staying the

operation of demand notice and notice of attachment of immovable property dated 25.01.2019.

Learned counsel appearing for the 1st respondent has contended that the respondents have issued demand notice and notice of attachment of immovable property on 25.01.2019 and it would take another three months time from today to put the property under auction.

This Court, having considered the rival submissions, is of the considered view that the petitioner has got reasonable time to approach Co-operative Tribunal before the property is put to auction. Therefore, this Court is not inclined to interfere with the impugned notices issued by the respondents.

Accordingly, the writ petition is dismissed. However, the petitioner is given liberty to approach the Co-operative Tribunal for appropriate relief in accordance with law. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 26-04-2019

Prv

