

(2018) 03 KL CK 0058

In the High Court Of Kerala

Case No : Writ Petition (Civil) No. 2882 Of 2018

Anil Kumar P.P @APPELLANT@Hash The Kannur Town Service Co-Operative Bank Ltd And Anr

Date of Decision : 01-03-2018

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2018) 03 KL CK 0058

Hon'ble Judges : Anil K. Narendran, J

Bench : Single Bench

Advocate : Joby Jacob Pullickekudy, Anil George, K.S.Sumeesh, T.Ancy, Nivya Valsan, C.Leena, C.S.Sheela

Final Decision : Disposed Off

Judgement

1. The petitioner who availed a loan of `15 lakhs from the 1st respondent Bank in the year 2013 has approached this Court in this writ petition filed under Article 226 of the Constitution of India, seeking a writ of mandamus commanding the State Co-operative Tribunal to consider Ext.P4 interlocutory application for stay at the earliest. The petitioner has also sought for a writ of mandamus commanding the 3rd respondent not to proceed with the sale of the property in question till the disposal of Ext.P4 stay petition.

2. On 29.01.2018, when this writ petition came up for admission, learned Senior Government Pleader took notice for the 2nd respondent. This court issued urgent notice on admission by speed post to respondents 1 and 3 returnable within three weeks. This Court has also granted an interim stay of operation of Ext.P5 for a period of one month on condition that the petitioner deposits a sum of `2,00,000/- with the 1st respondent within a period of one week from 29.1.2018 and the said interim order is still in force.

3. Today when the case is taken up for further consideration, it is submitted by the learned counsel for the petitioner that the petitioner has already complied with the direction contained in the interim order of this Court dated 29.1.2018.

4. Heard the learned counsel for the petitioner, learned counsel for the 1st respondent Bank and also the learned Senior Government Pleader appearing for the 2nd respondent.

5. The learned counsel for the petitioner would submit that the Tribunal ought to have considered Ext.P4 interlocutory application filed in Ext.P3 revision petition, instead of adjourning the matter.

6. The learned counsel for the 1st respondent Bank would submit that the total liability as per Ext.P5 sale notice is `20,57,596/- and that, in view of the circular of the Registrar of Co-operative Societies, the petitioner can opt for One Time Settlement Scheme, i.e., "Navakeraleeyam Kudisika Nivaranam - 2018".

7. After considering the rival submissions, this writ petition is disposed of with the following directions:

(i) The Co-operative Tribunal shall consider Ext.P4 interlocutory application filed in Ext.P3 revision petition, i.e., R.P.No.11/2018 and pass appropriate orders thereon with notice to the petitioner and also to the 1st respondent Bank, as expeditiously as possible, at any rate, within a period of three weeks from the date of receipt of a certified copy of this judgment.

(ii) Till such orders are passed, the interim order granted by this Court on 29.01.2018 shall continue to be in force. This judgment will not stand in the way of the petitioner availing the benefit of One Time Settlement under the "Navakeraleeyam Kudisika Nivaranam - 2018", by making a proper application before the 1st respondent Bank. If any such application is made within one week from the date of receipt of a certified copy of this judgment, the 1st respondent Bank shall consider the same and pass appropriate orders thereon, strictly in accordance with that Scheme.