

(2018) 03 KL CK 0072

In the High Court Of Kerala

Case No : Writ Petition (Civil) No. 6690 Of 2018

**Krishnamani @APPELLANT@Hash Ottapalam Co-Operative Urban Bank
Ltd And Anr**

Date of Decision : 01-03-2018

Acts Referred:

Citation : (2018) 03 KL CK 0072

Hon'ble Judges : Anil K. Narendran, J

Bench : Single Bench

Advocate : P.Jayaram, Vinod Madhavan, C.S.Sheela

Final Decision : Disposed Off

Judgement

1. The petitioner, who availed a business loan from the 1st respondent Bank, has approached this Court in this writ petition seeking a declaration that the sale proceedings initiated under Ext.P1 sale notice dated 25.1.2018 issued by the 2nd respondent Special Sale Officer is null and void in the light of the mandatory provisions of the Kerala Co-operative Societies Act and the Rules made thereunder. The petitioner has also sought for a writ of certiorari to quash Ext.P1 sale notice and a writ of mandamus commanding the respondents to consider Ext.P3 representation dated 20.2.2018 and pass time bound orders thereon.

2. On 28.2.2018 when this writ petition came up for admission, the learned counsel for the petitioner submitted that the petitioner wants to avail the benefit under the One Time Settlement Scheme, i.e., Navakeraleeyam Kudissika Nivaranam-2018. Therefore, the learned counsel for the 1st respondent Bank was directed to get instructions and accordingly, the writ petition is listed today for further consideration.

3. Heard the learned counsel for the petitioner, the learned counsel for the 1st respondent Bank and also the learned Senior Government Pleader appearing for respondents 3 to 5.

4. The learned counsel for the 1st respondent Bank on instructions would submit that, in terms of One Time Settlement Scheme, i.e., Navakeraleeyam Kudissika

Nivaranam-2018, a notice dated 15.2.2018 has already been issued to the petitioner to appear in person in the Adalath scheduled to be held at 10.00 am., on 3.3.2018 in the Head Office of the Bank at Ottapalam.

5. The learned counsel for the petitioner would submit that the petitioner shall appear in person in the Adalath scheduled to be held on 3.3.2018.

In such circumstances, this writ petition is disposed of without going into the merits of the case, by directing the 1st respondent Bank to consider the request of the petitioner for settlement of the entire dues in respect of the loan transaction in question, i.e., loan No.ML19252-Vaniyamkulam, under the One Time Settlement Scheme, i.e., Navakeralaleeyam Kudissika Nivaranam-2018 and take an appropriate decision in the Adalat scheduled to be held on 3.3.2018. The submission made by the learned counsel for the 1st respondent Bank that the sale scheduled to be held on 5.3.2018 stand deferred in view of the Adalat is recorded.