

(2024) 12 SHI CK 0035
In the High Court Of Himachal Pradesh
Case No : CWP No.16485 Of 2024

Madan Lal & Anr

APPELLANT

Vs

HP State Cooperative Agri & Rural Dev Bank Ltd. & Anr

RESPONDENT

Date of Decision : 30-12-2024

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2024) 12 SHI CK 0035

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Ashok Kumar, Narender Singh Thakur

Final Decision : Disposed Of

Judgement

Sandeep Sharma, J

1. Being aggrieved with issuance of public notice, whereby property of the petitioners has been put to auction on account of their having failed to repay the loan, petitioners have approached this Court in the instant proceedings filed under Article 226 of the Constitution of India, praying therein for the following main relief:

"i) That respondents may kindly be restrained from auctioning the property in near future and further may kindly be directed to settle the case with the petitioners as per the respondents own OTS Scheme."

2. While putting in appearance on behalf of the respondents, Mr. Narender Singh Thakur, Advocate, states that land proposed to be put to auction vide public notice does not belong to the petitioners, rather same has been purchased by the bank in the year 2016 in open auction, but in case, petitioners are ready and willing to pay the entire loan amount with upto date interest, respondent/Bank may consider the prayer for cancellation of auction. He further states that to show their bona fide , petitioners may be directed to deposit at least Rs. 10.00 lakhs within four days and thereafter, remaining amount within two weeks.

3. Though prima facie this Court is of the view that present petition is not maintainable, however, having taken note of the fact that petitioners are ready and willing to pay the entire loan amount with upto date interest, coupled with the fact that respondent/Bank if receives entire loan amount, has no objection in cancelling the public auction, this Court, without adverting to the merits of the case, deems it fit to dispose of the present petition with a direction to the petitioners to deposit sum of Rs. 10.00 lakhs within four days i.e. 03.01.2025 and remaining amount within one week i.e. on or before

10.01.2025 and in that event, notice of public auction shall not be given effect to. Ordered accordingly. Needless to say, in the event of non-payment of amount agreed to be paid, respondent/bank would be at liberty to proceed with the matter in terms of notice of public auction. Pending applications, if any, stand disposed of.