

IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 31ST DAY OF AUGUST, 2016

BEFORE

THE HON'BLE MR. JUSTICE S ABDUL NAZEER

WRIT PETITION NO.9843 OF 2012 (CS-RES)

Between:

Sri.G. Lakshminarayana Vailaya
S/o. Gopalakrishna Vailaya
Age: 54 years
R/at Mandekolu Post
Suliya Taluk, D.K. District.

... Petitioner

(By Sri. B.V. Krishna, Adv.)

And:

1. Assistant Registrar of Co-operative Societies
& Public Funds Recovery Officer
Puttur Sub-Division
Puttur, D.K. District.

2. Manager
Syndicate Bank
Jalsur Branch, Suliya Taluk
D.K.District.

... Respondents

(By Smt.Savithramma, HCGP for R1,
Sri. B.M.Baliga, Adv., for R2)

This writ petition is filed under Articles 226 & 227 of the Constitution of India, praying to quash the order dtd.12.10.10 passed by in RC No.41/10-11 by R1 vide Annx-C and etc.

This writ petition coming on for preliminary hearing in 'B' group this day, the Court made the following:

ORDER

The petitioner had availed loan of ₹2,50,000/- from the second respondent/Bank for construction of residential house. The second respondent has initiated proceedings for recovery of the dues before the first respondent under Section 12 of the Karnataka Agricultural Credit Operations and Miscellaneous Provisions Act, 1974. The first respondent after holding an enquiry has allowed the application and directed the petitioner to pay a total sum of ₹3,54,529/- with interest at 8.75% p.a. and penal interest

at 2% p.a. The petitioner has called in question the legality and correctness of the said order in this writ petition.

2. This Court has granted interim stay of the said order on 2.4.2012, subject to the petitioner depositing 50% of the amount within four weeks from the date of the order.

3. Learned Counsel for the second respondent submits that in pursuance of the said order, the petitioner has deposited 50% of the amount.

4. I have heard the learned Counsel for the parties. The petitioner has remained absent before the first respondent. Therefore, the first respondent has proceeded with the matter and passed the order after taking into account the materials produced by the second respondent. I do not find any error in the said order. Writ petition is accordingly dismissed. However, the petitioner is granted eight weeks time to pay the balance amount to the second

respondent pursuant to the award at Annexure-C. No costs.

**Sd/-
JUDGE**

SA