

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Civil Writ Petition No.9033 of 2022

Date of decision : 30th December, 2022

Smt. Julie

..... Petitioner

Versus

The Kangra Co-operative Primary Agriculture and Rural Development Bank Ltd. and others

.....Respondents

Coram:

The Hon'ble Ms. Justice Sabina, Judge.

The Hon'ble Mr. Justice Sushil Kukreja, Judge.

Whether approved for reporting?¹

For the Petitioner : Mr. Sunil Kumar, Advocate.

For the Respondents : Nemo.

Sabina, Judge (oral)

Petitioner has filed this petition under Article 226 of the Constitution of India, seeking quashing of the notices, Annexure P-5 and Annexure P-6.

2. Learned counsel for the petitioner has submitted that petitioner had applied for a loan of Rs.7,00,000/- from the respondent-Bank for construction of house. The loan was released to the petitioner in December, 2018. Petitioner continued paying the installments till February, 2020 and has paid an amount of Rs.4,00,000/- to the respondent-Bank. Thereafter, respondent-Bank issued a letter dated 17.8.2020 raising a demand of Rs.2,48,860/-. 1st Sale Notice with

regard to the mortgaged property of the petitioner was issued by the bank on 17.11.2020. Petitioner preferred an appeal under Section 27(3) of the Himachal Pradesh Co-operative (Agriculture and Rural) Development Act, 1979 and the Registrar, Co-operative Societies Himachal Pradesh passed an order on 20.5.2022, directing the respondent-Bank to initiate fresh recovery proceedings, in accordance with law. Now, the respondent-Bank had again issued notice and vide notice, Annexure P-5, dated 7.12.2022, directing the petitioner to deposit the entire due amount upto 31.12.2022. Vide Annexure P-6, property of the petitioner has been sought to be auctioned.

3. Admittedly, petitioner has an alternate remedy of an appeal before the Registrar Co-operative Societies to challenge the orders, Annexure P-5 and Annexure P-6. Since the petitioner has other efficacious alternate remedy available to him, no ground for interference by this Court, while exercising extra ordinary writ jurisdiction under Article 226 of the Constitution of India, is made out.

4. Dismissed.

Pending miscellaneous application(s), if any, also stands disposed of.

**(Sabina)
Judge**

**(Sushil Kukreja)
Judge**

December 30, 2022 (ks)