

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.11.2015

Coram

The Hon'ble Mr. Justice T.S. SIVAGNANAM

W.P. No.10324 of 2015 &
M.P.Nos. 1 & 2 of 2015

1. D.Kesavan
2. K.Manjula

.. Petitioners

Vs

1. The Joint Registrar of Cooperative Societies
Vellore Region,
Vellore.
2. The Deputy Registrar of Cooperative Societies
Ranipet Circle, Ranipet,
Vellore District.
3. The Deputy Registrar / Managing Director,
C1225, The Arakkonam Cooperative Urban
Bank Limited, No.37, Kamarajar Salai,
Arakkonam,
Vellore District 631 001

.. Respondents

Prayer :-Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari to call for the records of the order dated 03.01.2015 passed by the third respondent in Nee.Va.M.No.21 of 2005-2006 in Form No.9 and quash the same as illegal, arbitrary and principles of natural justice.

For Petitioners : Mr.K.Ramasamy

For Respondents 1 and 2 : Mr.L.P.Shanmughasundaram
Spl.Govt. Pleader

For Respondent 3 : Mr.S.Kadarkarai

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.K.Ramasamy, learned Counsel appearing for the petitioners, Mr.L.P.Shanmughasundaram, learned Special Government Pleader, appearing for the respondents 1 and 2 and Mr.S.Kadarkarai, learned counsel appearing for the third respondent.

3.The petitioner in this Writ Petition challenges the demand notice dated 03.01.2015, demanding a sum of Rs.44,63,734/-. The demand made by the third respondent Society is pursuant to the decree in Arbitration Case No.3192 of 2003-2004 dated 29.01.2004. It appears that the petitioner has not challenged the said decree so far. Since the decretal amount was not paid, the third respondent has filed a Petition for executing the said decree and pursuant thereto the impugned demand has been issued.

4.Unless and until the petitioner challenges the decree, he will not be in a position to contest the amount demanded from the petitioner. However, it is seen that the decree was passed in 2004 and it is very doubtful whether the petitioner will be able to contest the same. The learned counsel appearing for the third respondent submitted that in 2010, the Government announced certain waiver schemes and that was also put to the petitioner, but the petitioner did not avail the same. It is further stated that the petitioner is none other than the brother of the President of third respondent Society and it is stated that the petitioner is capable of setting the dues to the Society.

5.In the light of the above, the Writ Petition is disposed of on the following terms:

(i)If the petitioner is so advised, he can challenge the decree in the manner known to law, however, subject to limitation; (or)

(ii)the petitioner can approach the third respondent Bank and submit a proposal to the Bank clearly indicating within what time he will settle the outstanding. If there are any Government Orders or Circulars issued by the Registrar, granting any waiver

of penal interest or any Circulars regarding re-schedulement, the same shall also be considered by the third respondent.

It is made clear that the petitioner has to avail any one of the ways as mentioned above, within a period of three weeks from the date of receipt of a copy of this order. Thereafter, it is open to the third respondent to proceed to recover the dues. No costs. Consequently, connected Miscellaneous Petitions are closed.

sd/
ASSISTANT REGISTRAR (CCC)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

rpa

To

1. The Joint Registrar of Cooperative Societies
Vellore Region,
Vellore.
2. The Deputy Registrar of Cooperative Societies
Ranipet Circle, Ranipet,
Vellore District.
3. The Deputy Registrar / Managing Director,
C1225, The Arakkonam Cooperative Urban
Bank Limited, No.37, Kamarajar Salai,
Arakkonam, Vellore District 631 001

+1 CC to MR.K.Ramasamy Advocate. SR.NO.60517
+1 CC to MR.S.Kadarkarai Advocate. SR.NO. 60942
+1 CC to Govt.Pleader. SR.NO. 60867

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CO-GJ
JD 24/11/2015