

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.20330 of 2015
and
M.P.No.1 of 2015

R.Ramasamy

... PETITIONER

Vs

1. The Registrar,
District Co-operative Society,
Salem Zone, Salem.
2. The Sales Officer,
Namakkal Co-operative Housing Society Ltd,
47/82, Salem Road,
Namakkal.
3. The Branch Manager,
Namakkal Co-operative Housing Society Ltd,
No.SLM/HSG-1,
4782, Salem Road, Namakkal

... RESPONDENTS

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of certiorari to call for the records in respect of the impugned auction sale proceedings as per the notice of the 1st respondent herein dated 20.05.2015 and the consequential notice issued by the 2nd respondent herein dated 13.06.2015 and quash the same.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.D. Venkatachalam
Government Advocate.

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.R.Nalliyappan, learned Counsel appearing for the petitioner and Mr.D. Venkatachalam, learned Government Advocate, appearing for the respondents.

3. The petitioner has challenged the notice issued by the first respondent dated 20.05.2015, for default in payment of Housing Loan amount payable by the petitioner being Rs.3,38,135/- together with penal interest and other charges. The only contention raised by the petitioner is that certain amounts paid by the petitioner were not properly given credit.

4.Considering this to be a prima facie case, the petitioner was directed to pay 25% of the amount and an order of status quo was granted. But, the petitioner failed to remit the said amount and the matter was adjourned from time to time. Apart from the aforesaid contention, no other contention has been raised by the petitioner. The contention raised by the petitioner appears to be an after thought, only with a view to get over the sale proceedings.

5. In the light of the above, no relief can be granted to the Writ Petitioner. Accordingly, the Writ Petition is liable to be dismissed. However, the dismissal of this Writ Petition will not prevent the petitioner from approaching the respondent Housing Society with a schedule for repayment of the loan and if the same is submitted, the Society may consider the same, taking into consideration of the fact that the petitioner is a senior citizen and proceed to decide the same in accordance with law, the Government Orders and Circulars of the Registrar, if any.

The Writ Petition is dismissed with the above observation. No costs. Consequently, conneted Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rpa

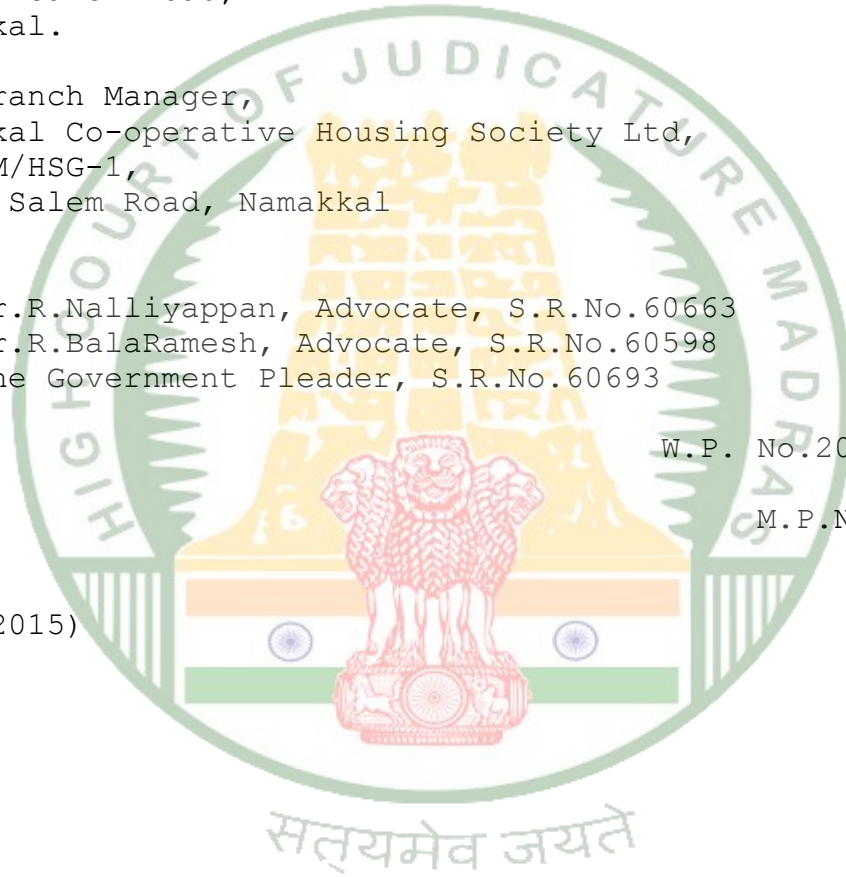
To

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Namakkal.
3. The Branch Manager,
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4782, Salem Road, Namakkal

+1cc to Mr.R.Nalliyappan, Advocate, S.R.No.60663
+1cc to Mr.R.BalaRamesh, Advocate, S.R.No.60598
+1cc to the Government Pleader, S.R.No.60693

W.P. No.20330 of 2015
and
M.P.No.1 of 2015

GJ(CO)
CA(25/11/2015)



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