

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2015

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.20508 of 2015

and

M.P.No.1 of 2015

B.N.Mani

[Petitioner]

Vs

1 The District Registrar (Housing)
Salem Region Salem

2 The President
A.A.377 Elamalai Coop. Building Society Ltd.
Elamalai Bhavani TK
Erode District

[Respondents]

PRAYER : This Writ petition is filed under Article 226 of the Constitution of India praying for a Writ of certiorari to call for the records relating to the impugned public auction notice dt 11.6.2015 as per under Rule 126 (2) of Tamil Nadu Cooperative Societies 1988 in Ni. Ma. No.93/2001-02/Dispute No.1480/2000-01 issued by the 1st respondent for bringing the petitioners immovable property for public auction on 21.7.2015 bearing Door No.116 @ 119 Ward No.7 Old No.12 in Natham R.S. No.817 to the extent of 1.80.0 hectores of land in the schedule mentioned property and quash the same.

For Petitioner : Mr.P.Immaneul Prakasam

For Respondents : Mr.L.P.Shanmugasundaram, SGP

O R D E R

Heard the learned counsel for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader, who took notice for the respondents and with their consent, the main writ petition itself is taken up for disposal.

2. This writ petition is directed against the impugned public auction notice dated 11.6.2015, as per under Rule 126 (2) of Tamil Nadu Cooperative Societies Rules, 1988, issued by the 1st respondent for bringing the petitioner's immovable property for public auction on 21.7.2015 bearing Door No.116 @ 119, Ward No.7, Old No.12, in Natham R.S. No.817 to the extent of 1.80.0 hectares of land in the schedule mentioned property.

3. Learned counsel for the petitioner would submit that to show the bona-fide of the petitioner, he is prepared to pay a sum of Rs.1 lakh (Rupees one lakh only) on or before 20.07.2015 and subject to the payment of the said sum, the proposed public auction notice shall be stayed. He would further submit that the petitioner undertakes to clear the balance amount by paying a sum of Rs.50,000/- in every three months without fail. Adding further, he would submit that the writ petition may be disposed of by giving appropriate directions to the respondents.

4. In view of the above submission made by the learned counsel for the petitioner, by recording the same, this writ petition is disposed of by directing the petitioner to pay a sum of Rs.1 lakh (Rupees one lakh only) on or before 20.07.2015 and thereafter, in every three months, the petitioner shall continue to pay a sum of Rs.50,000/- till he clear the entire dues. It is made clear that the impugned order shall be kept in abeyance till the petitioner clears the entire dues. If for any reason, the petitioner, commits default in making the above payments, the interim direction now given shall stand automatically vacated without any further reference to this Court.

No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1 The District Registrar (Housing)
Salem Region Salem

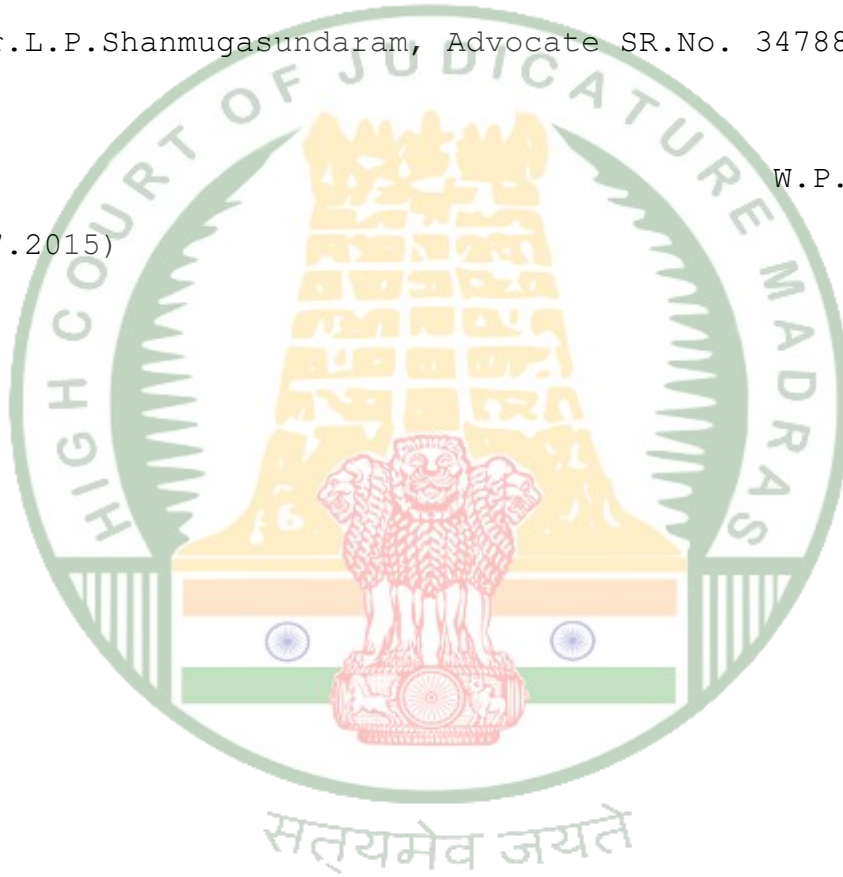
2 The President
A.A.377 Elamalai Coop. Building Society Ltd.
Elamalai Bhavani TK Erode District

1 CC to Mr.P.Immaneul Prakasam, Advocate SR.No. 34778

1 CC to Mr.L.P.Shanmugasundaram, Advocate SR.No. 34788

JSV (CO)
PSI (10.07.2015)

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