

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.21487 of 2015
and M.P.No.1 of 2015

N.Kalavathy

[Petitioner]

Vs

1 The Registrar of Cooperative Societies
No.170 E.V.R.Road Kilpauk
(Opp. to Ega Theatre) Chennai-10

2 The Sub Registrar (Sale Officer)
Office of the Deputy Registrar of
Cooperative Societies, Coimbatore

3 The Secretary
K.1642 Karamadai Primary Agricultural
Cooperative Society
Karamadai Coimbatore District

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus to direct the 1st respondent herein to consider the representation of the petitioner dated 25.6.2015.

For Petitioner : Mr.D.Selvaraju

For Respondents: Mr.L.P.Shanmugasundaram, SGP (R3)
Mr.T.P.Savitha, GA (R1&2)

O R D E R

Heard the learned counsel on either side.

2. This writ petition has been filed by N.Kalavathy, W/o Natarajan, seeking a writ of mandamus to direct the respondent to consider the representation of the petitioner dated 25.06.2015.

3. When the matter is taken up for hearing, learned counsel for the petitioner submitted that after borrowing a sum of Rs.2,48,610/- from the 3rd respondent Society in the year 2003, barring the deposit of Rs.25,000/-, the petitioner claims to have repaid a sum of

Rs.1,79,195-. Since the petitioner was willing to settle the entire amount, this Court, by order dated 20.07.2015 has directed the petitioner to bring a demand draft for a sum of Rs.1,00,000/- in favour of the 3rd respondent Society on the next hearing date and the auction notice was directed to be kept in abeyance till 28.07.2015.

4. In compliance of the said order, learned counsel for the petitioner today has produced a copy of the demand draft No.060989 dated 25.07.2015 for a sum of Rs.1,00,000/- drawn in favour of the 3rd respondent, which was duly acknowledged by them. Learned counsel for the petitioner would further submit that the entire balance amount will be repaid by the petitioner within a period of six months viz., in three bi-monthly instalments..

5. In view of the fact that the petitioner has paid a sum of Rs.1,00,000/- by way of the demand draft stated supra and in view of the submission made by the learned counsel for the petitioner that the petitioner will settle the entire amount within a period of six months, the petitioner is directed to clear the entire dues within a period of six months viz., three bi-monthly instalments. It is made clear that the 1st instalment shall commence from 11.09.2015 (i.e., 45 days from today) and thereafter, in every two months, the balance amount shall be repaid by the petitioner. Till such repayment is made, the respondents are directed to keep the auction notice in abeyance. However, if there is a failure on the part of the petitioner in paying any one of the instalments within the stipulated time, the impugned order shall stand revived. It is needless to mention that if the petitioner is entitled for the benefit of the scheme of waiver of penal interest, the respondents shall consider the same, provided the scheme is in existence.

The writ petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

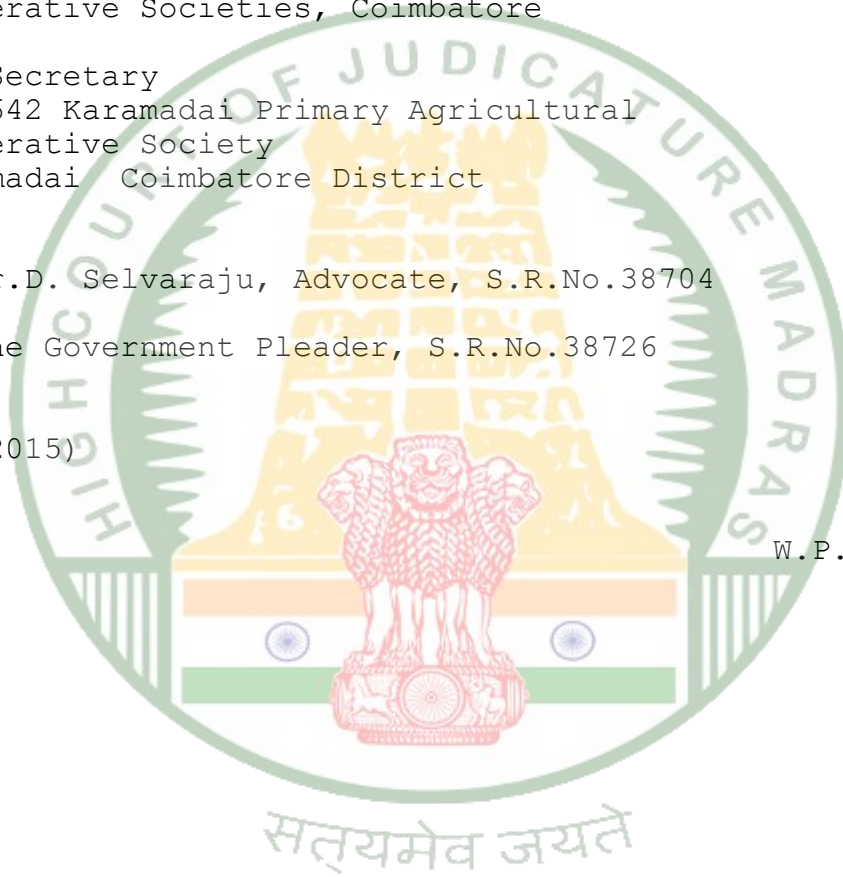
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+1cc to Mr.D. Selvaraju, Advocate, S.R.No.38704

+1cc to the Government Pleader, S.R.No.38726

UG(CO)
EU(13/08/2015)

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