

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2015

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.21608 of 2015

and

M.P.No.1 of 2015

R.Selvi

[Petitioner]

Vs

- 1 The District Registrar of Co-operative Societies
T.Nagar Chennai-17.
- 2 The Co-operative Sub-Registrar
-cum-Sales Officer
Office of the Co-operative Societies
T.Nagar Chennai-17.
- 3 The Secretary
Chennai City Co-operative Housing Society Limited
No.101 Vellala Street
Purasawakkam Chennai.

[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 Auction Notices issued in Form 8 and Form 9 dated 28.5.2015 issued by the Respondents 1 & 2 herein respectively quash the same.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.Bala Ramesh, AGP

ORDER

Heard the learned counsel for the petitioner and Mr.Bala Ramesh, learned Additional 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 has been filed challenging the impugned auction notices dated 28.05.2015.

3. Learned counsel appearing for the petitioner would submit that the petitioner is the mother of late Suresh. The said Suresh, borrowed a sum of Rs.4,90,000/- during the year 2001, but, unfortunately, he passed away on 27.08.2013. It is the contention of the learned counsel for the petitioner that the petitioner's son has paid back around Rs.4 lakhs, however, in view of the subsequent default committed by the petitioner's son, who is no more now, interest had accrued thereon. As the payment has not been made by the deceased family subsequently, the respondent has issued the auction notices.

4. Learned counsel for the petitioner would further submit that to show her bona-fide, the petitioner, is prepared to pay 50% of the arrear amount of Rs.16,31,721.50 within a period of six weeks and thereafter if some breathing time is given, within another three months' time, the entire balance amount would be repaid by her.

5. Learned Additional Government Pleader has also agreed for the said proposition.

6. Recording the undertaking given by the learned counsel for the petitioner and also in view of the submission of the learned Additional Government Pleader, this Court grants an order of interim stay of the impugned orders for a period of six weeks on condition that the petitioner pays 50% of the arrear amount, within a period of six weeks from the date of receipt of a copy of this order and thereafter, the balance has to be repaid within the next three months. If the petitioner complies with the undertaking given by paying 50% of the arrear amount within six weeks from the date of receipt of a copy of this order, the order of stay passed today will continue for another three months time. If there is any default, the order of stay will stand vacated.

With the above directions, this writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rg

Note: The learned AGP is directed to communicate this order to the respondents.

- 1 The District Registrar of
Co-operative Societies
T.Nagar Chennai-17.
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-cum-Sales Officer
Office of the Co-operative Societies
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- 3 The Secretary
Chennai City Co-operative Housing Society Limited
No.101 Vellala Street
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1 CC to Mr.Bala Ramesh, Advocate SR.No. 36686

1 CC to Mr.Govi Genesan, Advocate SR.No. 36592

1 CC to the Government Pleader, SR.No.36671

W.P.No.21608 of 2015

ALA [CO]
PSI (21.07.2015)

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