

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.11.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.22691 of 2015  
and  
M.P.Nos.1 and 2 of 2015

K.R.Sengodan

[ PETITIONER]

Vs

1. The District Registrar(Housing)  
Salem Region,  
Salem.

2. The President,  
Rasipuram Cooperative Building Society Ltd.,  
No.19, Sivan Koil Street,  
Rasipuram, Namakkal District

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of certiorari to call for the records relating to the impugned public auction notice dated 20.05.2015 made in Ni.Ma.No.643/04-05/Dispute No.568/00-01 issued by the first respondent herein for bringing the petitioner's immovable property for public auction to be conducted on 29.07.2015 and quash the same.

For Petitioner : C.Munusamy

For 1st Respondent: Ms.T.P.Savitha,  
Government Advocate.

For 2nd Respondent: Mr.L.P.Shanmuga Sundaram

ORDER

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

2. Heard Mr.C.Munusamy, learned counsel appearing for the petitioner, Mr.T.P.Savitha, learned Government Advocate, appearing for the first respondent and Mr.L.P.Shanmugasundaram, learned counsel appearing for the second respondent.

3. The Writ Petition has been filed challenging the sale notice issued by the respondent to bring the property for sale on account of default made by the petitioner in payment of the housing loan. At the time when the Writ Petition was entertained should virtually the Writ Petition itself is disposed of by its order dated 28.07.2015. The operative portion in para 4 of the order, which reads as follows:

"4. Considering the request made by the petitioner that he would pay a sum of Rs.2 lakhs with a week's time and also recording the undertaking given by the petitioner that he would pay a sum of Rs.50,000/- in every three months till he clear the entire dues, this Court grants an order of interim stay on condition that the petitioner pays a sum of Rs.2 lakhs (Rupees two lakhs only) by way of a demand draft to the second respondent within a week's time from today, failing which, the impugned order shall stand vacated"

4. The petitioner has filed M.P.No.2 of 2015 to modify the order dated 28.07.2015 passed in Writ Petition.

5. Admittedly, the petitioner did not comply with the order fully and he has paid only a sum of Rs.50,000/- as against the first installment of Rs.2,00,000/-. The further direction to pay a sum of Rs.50,000/- once in three months, was also not complied with. Therefore, the matter was adjourned periodically and an order of status-quo was extended. Even today, a prayer has been made seeking for adjourning the matter.

6. It is seen that this Court has granted indulgence during July, 2015 and subsequently in August, September, 2015 and there is no progress in the manner. Therefore, this Court is not inclined to keep the matter any longer pending. However, by way of last chance, the petitioner is given an opportunity to clear the arrears by paying a sum of Rs.1,50,000/- within a period of two weeks from the date of receipt of a copy of this order. If the petitioner fails to deposit the said amount of Rs.1,50,000/-, he will not get the benefit of this relief and the Writ Petition shall stand automatically dismissed. Thereafter, the petitioner is also directed to clear the entire arrears within a period of three months.

7. The Writ Petition is disposed on the above terms. No costs. Consequently, connected miscellaneous petition are closed.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

srn/rpa

<https://hcservices.ecourts.gov.in/hcservices/>

To

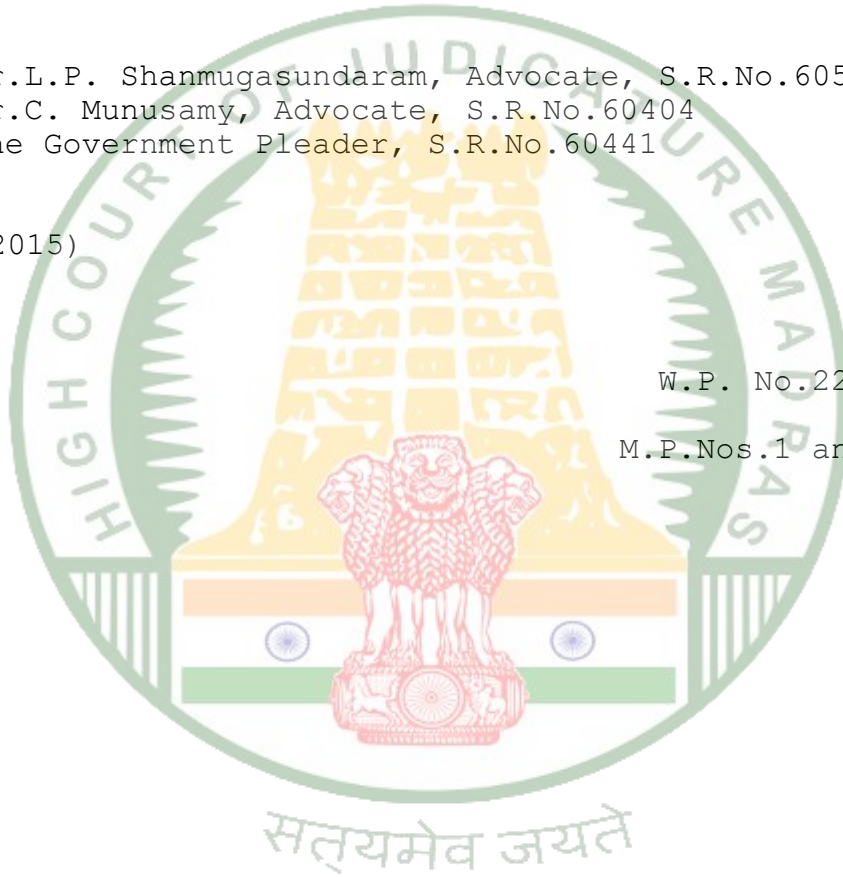
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No.19, Sivan Koil Street,  
Rasipuram, Namakkal District.

+1cc to Mr.L.P. Shanmugasundaram, Advocate, S.R.No.60571  
+1cc to Mr.C. Munusamy, Advocate, S.R.No.60404  
+1cc to the Government Pleader, S.R.No.60441

CA(CO)  
EU(24/11/2015)

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