

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.25631 of 2015
and M.P.No.1 of 2015

1.Pavaathal
2.N.Mani

.. Petitioners

Versus

1. The Deputy Registrar of Co-operative Societies (Housing), Salem Region, Salem-4.
 2. The Secretary Erode Co-operative Housing Society Ltd., No.9782, Erode-1.
- .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for entire records pertaining to the communication and auction order letter dated 16.06.2015 sent by the 1st respondent and quash the same.

For Petitioners	:	Mr.E.D.Sethupathi
For Respondent 1	:	Ms.T.P.Savitha
		Government Advocate
For Respondent 2	:	Mr.L.P.Shanmuga Sundaram
		Spl. Govt. Pleader (Co-op.)

ORDER

The petitioner is challenging the demand issued by the respondent, which itself is pursuant to the award dated 31.01.2006.

2. On the last date of hearing i.e., on 04.11.2015, the learned counsel appearing for the second respondent produced a proof before this Court to show that the award dated 31.01.2006 has been served on the petitioner and no revision has been filed by the petitioners as against the said award.

3. Further, it is submitted by the learned counsel for the respondent that without questioning the award, consequential demand notice cannot be challenged.

4. Today, when the matter is heard, there is representation made on behalf of the counsel for the petitioners stating that the matter should be adjourned. There is no valid reason shown by the learned counsel for such an adjournment. In any event, the petitioners have deposited a sum of Rs.1,00,000/-, pursuant to the interim order dated 18.08.2015.

5. In the light of the above, this Court is of the view that the petitioners may be granted a liberty to challenge the award dated 31.01.2006 by filing the revision under Section 152 of the Tamil Nadu Co-operative Societies Act 1980. It is true that there is a substantial amount of delay. However, since the petitioners have deposited the sum of Rs.1,00,000/-, this Court is of the view that the petitioners may be granted four weeks time to file the revision petition under Section 152 of the Tamil Nadu Co-operative Societies Act before the competent Authority. The petitioners should also file an application for condonation of delay before the revision authority, which should be considered on merits. For a period of four weeks from the date of receipt of a copy of the order, no coercive action shall be initiated against the petitioners. If the petitioners fail to file a revision petition within the time granted by this Court, the benefit of this order will not enure to the petitioners and the respondents will be entitled to proceed for recovery of the money in accordance with law.

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

ds

s/d-
Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

To:

1. The Deputy Registrar of Co-operative Societies (Housing), Salem Region, Salem-4.
2. The Secretary Erode Co-operative Housing Society Ltd., No.9782, Erode-1.

+ 1 cc to the Govt.Pleader SR 62301

+ 1 cc to Mr.L.P.Shanmugasundaram, Advocate SR 61924

+ 1 cc to Mr.E.D.Sethupathi, Advocate, SR 62224

pa(co)
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