

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 34221 of 2015

&

M.P. No. 1 of 2015

Tmt.K. Bhuavaneswari

..Petitioner

Vs.

1. The Deputy Registrar (Housing),
Co-operative Housing Society,
Vellore Region,
Vellore, Vellore District.

2. Vellore Co-operative Building
Society Limited, C.2009,
No.9, 1st Cross Street,
Bishop David Nagar,
Vellore - 632 001,
rep. by its Secretary.

...Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to furnish the accounts balance amount after waiving the entire penal interest and 25% of the principal interest by applying one time settlement scheme and permit the petitioner to pay such balance within 6 months from that date.

For Petitioner :: Mr.S. Doraisamy

For Respondents:: Mr.EMS. Natarajan
Govt. Advocate

O R D E R

The petitioner is one of the members of the 2nd respondent Society. He availed loan to the tune of Rs.5 lakhs and for non-payment, arbitration proceedings were initiated by the 2nd respondent for recovery of a sum of Rs.14,96,000/-. An award was passed on 13.05.2010. After applying Government Order granting waiver of penal interest, the petitioner was directed

to pay a sum of Rs.11,66,138/-. On 13.07.2015, the 1st respondent issued a sale notice stating that the petitioner's property will be sold on 13.08.2015 in public auction for non-payment of the amount of Rs.14,96,000/- with interest and penal interest. Therefore, challenging the said notice, the petitioner filed W.P. No. 22644 of 2015. The said writ petition was disposed of on 27.07.2015 directing the petitioner to pay a sum of Rs.5 lakhs on or before 17.08.2015 and the balance amount to be paid on or before 31.10.2015. Accordingly, the petitioner paid a sum of Rs.5 lakhs and further requested the respondents for waiver of penal interest by way of one time settlement. Since the respondents did not come forward with any demand for payment under the one time settlement scheme, the petitioner made a representation on 09.10.2015 to the respondents requesting them to furnish the details regarding one time settlement. However, no orders were passed. Therefore, the petitioner is before this Court for the relief aforesaid.

3. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

4. Learned counsel for the respondents would submit that, as on date, a sum of Rs.13,16,156/- has to be paid. Out of that, Rs.5 lakhs has already been paid by the petitioner and therefore, the balance amount of Rs.8,16,156/- is required to be paid by the petitioner.

5. In view of the above submission made, the petitioner is directed to pay the balance amount of Rs.8,16,156/- in 10 equated monthly instalments commencing from November, 2015 onwards, the first of which shall be paid on or before 29th November, 2015 and likewise, thereafter, for the succeeding months. The writ petition is disposed of accordingly. No costs. Connected M.P. is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nv

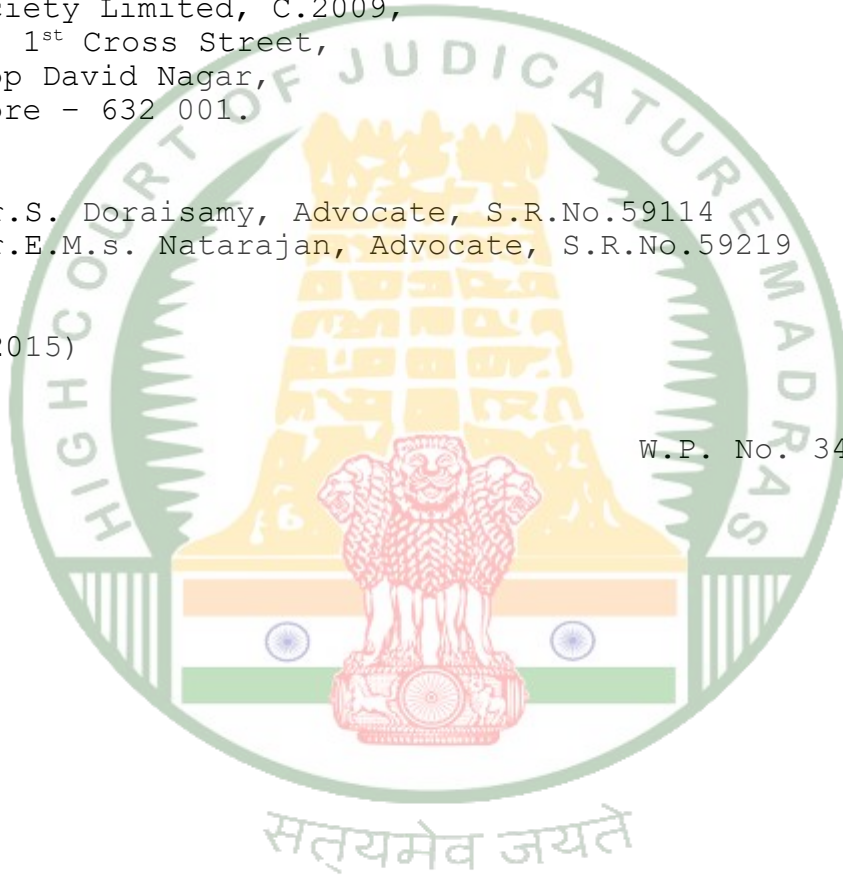
To

1. The Deputy Registrar (Housing),
Co-operative Housing Society,
Vellore Region,Vellore,
Vellore District.
2. The Secretary,
Vellore Co-operative Building
Society Limited, C.2009,
No.9, 1st Cross Street,
Bishop David Nagar,
Vellore - 632 001.

+1cc to Mr.S. Doraisamy, Advocate, S.R.No.59114
+1cc to Mr.E.M.s. Natarajan, Advocate, S.R.No.59219

SV(CO)
EU(26/11/2015)

W.P. No. 34221 of 2015



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