

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.40074 of 2015

&

M.P.No.1 of 2015

Tmt.E.Ambiga

.. Petitioner

Vs.

- 1.The Registrar,
Thiruvannamalai Taluk Cooperative Housing Society,
R.R.Complex, 14, Polur Road,
Thiruvannamalai - 606 601.
- 2.The Zonal Deputy Registrar (Housing),
Thiruvannamalai Taluk Cooperative Housing Society,
Vellore.
- 3.The Auction/Sale Officer,
Office of the Zonal Deputy Registrar (Housing),
Thiruvannamalai Taluk Cooperative Housing Society,
Vellore.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari to call for the records pertaining to Auction Sale Notice in Form No.9 inC.E.P.No.95/10.11, A.R.C.No.2702/04.05 dated 23.11.2015 issued by the 2nd respondent and to quash the same.

For Petitioner .. Mr.T.Dhanasekaran

For Respondents .. Mr.L.P.Shanmughasundaram
Special Government Pleader

ORDER

Heard Mr.T.Dhanasekaran, learned counsel for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader for the respondents.

2.The petitioner challenges an auction notice dated 23.11.2015 by which the petitioner's property sought to be brought for auction on account of non-payment of his Housing Loan availed. The petitioner would contend that the loan was availed by the petitioner's husband P.Elumalai and he is no more and the demand has been raised against a dead person.

3.As rightly pointed out by the learned Special Government Pleader, the challenge in the impugned proceedings is only to an auction notice and the decree obtained by the Society has not been questioned. Therefore, the petitioner has to clear the balance outstanding in the loan amount. In order to ascertain as to whether the petitioner is entitled for any Interest Waiver scheme, this Court, by order dated 18.12.2015, directed the learned Special Government Pleader to get instructions.

4.Accordingly, the learned Special Government Pleader has submitted written instructions from which it is seen that the respondent Society is granting a penal interest and EMI interest to the tune of Rs.1,38,275/-. After extending such benefit and taking note of the payment made by the petitioner's husband i.e. Rs.37,382/-, the balance payable by the petitioner as on 15.12.2015 is Rs.2,70,650/-. Since it is stated that the petitioner was very poor, this Court, freezes loan amount payable by the petitioner at Rs.2,70,650/-. Out of the said amount, the petitioner shall remit Rs.25,000/- on or before 28.01.2016 and the balance Rs.25,000/- shall be paid within a period of four weeks thereafter. On such remittance, the property shall not be sold in auction and the remaining amount of Rs.2,20,650/- shall be paid by the petitioner in four equal instalments, in default, the benefit of this order will not enure to the petitioner and the respondents shall be entitled to proceed further in accordance with law.

5.The Writ Petition is disposed of with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

Sgl

Sd/-

Asst.Registrar

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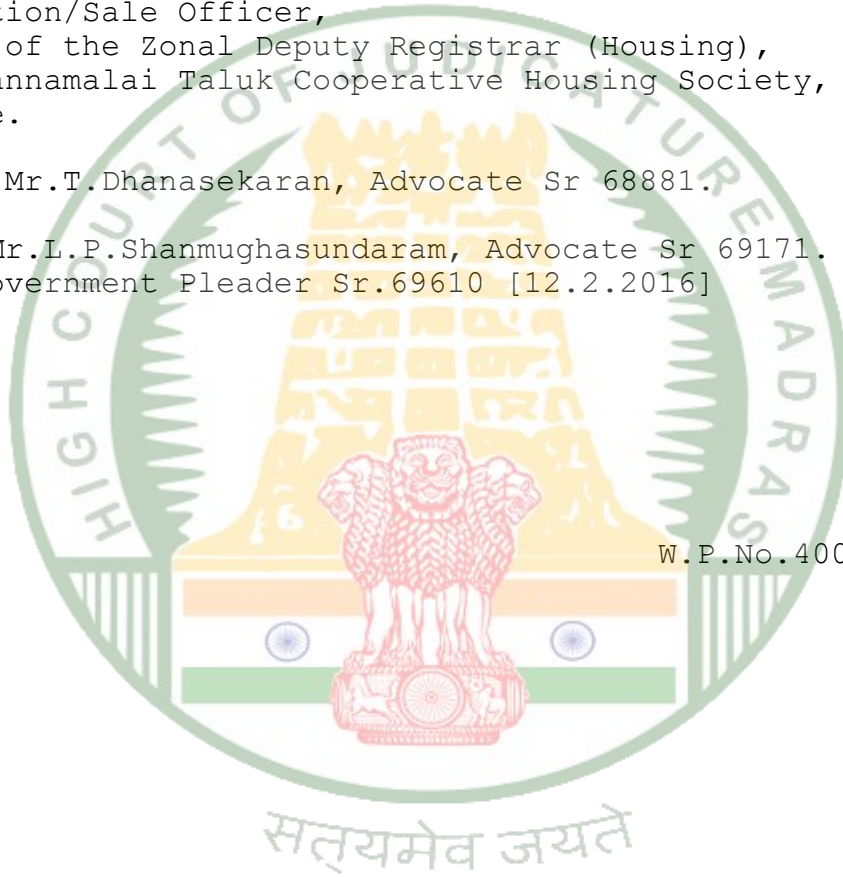
Sub Asst. Registrar

To

- 1.The Registrar,
Thiruvannamalai Taluk Cooperative Housing Society,
R.R.Complex, 14, Polur Road,
Thiruvannamalai - 606 601.
 - 2.The Zonal Deputy Registrar (Housing),
Thiruvannamalai Taluk Cooperative Housing Society,
Vellore.
 - 3.The Auction/Sale Officer,
Office of the Zonal Deputy Registrar (Housing),
Thiruvannamalai Taluk Cooperative Housing Society,
Vellore.
- + 1 cc to Mr.T.Dhanasekaran, Advocate Sr 68881.
- 1 cc to Mr.L.P.Shanmughasundaram, Advocate Sr 69171.
+1cc to Government Pleader Sr.69610 [12.2.2016]

RSI/CO
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W.P.No.40074 of 2015



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