

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2016

CORAM

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.30118 of 2014 &
M.P.Nos. 2 & 3 of 2014

N.Kathikeyan

[PETITIONER]

Vs

- 1 The Registrar of Co-operative Societies(Housing)
No.22 4th Main Road, Gandhi Nagar
Adyar, Chennai 600 020.
- 2 The Deputy Registrar of Co-operative Societies(Housing)
Coimbatore Region, Chinthamani Complex,
Mettupalayam Road, Coimbatore 2.
- 3 The President
K 525, The Coimbatore Town Development
Co-operative Housing Society Ltd
Flat No.2, Block No.3, CTD CHS Enclave
Vallalar Nagar, Ondipudur
Coimbatore 641 016.

[RESPONDENTS]

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent dated 01.09.2014 and quash the same and consequently direct the third respondent to execute the sale deed for Flat No.202 Block No.2 Ondipudur Housing Schme, Coimbatore, by receiving the balance sale consideration with nominal interest.

For Petitioner .. Mr.P.Muthukrishnan

For Respondents .. Mr.D.Venkatachalam - R1 & R2
Govt.Advocate
Mr.S.Saravanan - R3

O R D E R

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

2. Heard Mr.P.Muthukrishnan, learned Counsel appearing for the petitioner, Mr.D.venkatachalam, learned Counsel Government Advocate appearing for the respondents 1 & 2 and Mr.S.Saravanan, learned counsel appearing for the third respondent.

3.The petitioner has challenged the order passed by the third respondent cancelling the allotment made in favour of the petitioner in respect of Flat No.202, Block No.2, Ondipudur Housing Scheme, Coimbatore.

4.At the time when the writ petition was entertained, a direction was issued to the petitioner to pay a sum of Rs.3,00,000/-, within a time frame. The learned counsel for the petitioner submitted that a Demand Draft dated 13.02.2015, the amount has been paid, though the petitioner has not remitted the said amount within the time fixed by this Court. The learned counsel for the petitioner submitted that the petitioner was under financial distress, he underwent two bypass surgeries and on account of that the petitioner has defaulted in payment and the petitioner is now ready and willing to pay the entire amount and requested the Society for reducing the interest.

5.As the petitioner is now ready to pay the entire amount, it would be appropriate for the third respondent Society to consider the petitioner's claim. However, with regard to the claim for reduction of interest, that has to be considered by the third respondent in accordance with the relevant Rules and Circulars.

6.In the light of the above, petitioner is directed to appear before the third respondent within a period of six weeks from the date of receipt of a copy of this order and pay the entire balance amount and if there is any possibility for reduction of interest, it is open to the third respondent to consider the same. However, if it is not so, the petitioner has to pay the entire amount with interest, as demanded by the third respondent and only thereafter, the third respondent shall consider the case of the petitioner and execute the Sale Deed as expeditiously as possible. If the petitioner fails to remit the amount as demanded by the third respondent, the benefit of this order will not enure to the petitioner and the third respondent is entitled to proceed in accordance with law.

The Writ Petition is disposed of accordingly. No costs.
rpa

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

- 1 The Registrar of Co-operative Societies(Housing)
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+ 1 cc to Mr.P.Muthukrishnan, Advocate SR 7065

+ 1 cc to Govt.Pleader SR 6907

+ 1 cc to Mr.S.Saravanan, Advocate SR 6871

ksj(co)
prk8/2

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