

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.13886 of 2016

And

W.M.P.No.12180 of 2016

K.Asokan

... Petitioner

Vs.

- 1 The Registrar of Co-Operative Societies,
N.V.Natarajan Maligai,
No.170, Periyar EVR High Road,
Kilpauk, Chennai-600 010.
 - 2 The Managing Director,
Cuddalore District Central Co-operative Bank Ltd.,
Cuddalore - 1.
 - 3 The Branch Manager,
Cuddalore District Central Co-Operative Bank Ltd.,
No.48, South Car Street,
Chidambaram - 608 001.
- Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records connected with the final Notice dated 06.04.2016 passed by the 3rd respondent and quash the same and consequently direct the 3rd respondent to accept the petitioner's loan amount.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents : Mr.Bala Ramesh

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The writ petition has been filed for issuance of Certiorarified Mandamus to call for the records connected with the final Notice dated 06.04.2016 passed by the third respondent and quash the same and consequently direct the third respondent to accept the petitioner's loan amount.

3.Heard the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the respondents.

4.The petitioner availed five jewel loans from the second respondent Central Co-operative Bank and admittedly, he is a defaulter. When the Bank attempted to recover the loan amount by bringing for auction the jewels, the petitioner filed a suit before the Additional District Munsif Court, Chidambaram in O.S.No.174 of 2014, but however, he was unable to obtain any interim order and ultimately the suit was dismissed by judgment dated 18.03.2016. As against the said judgment, the petitioner has not preferred any appeal. Thus, the respondent Bank was fully justified in bringing for auction the jewels which were pledged by the petitioner for availing the jewel loan.

5.At this juncture, when final notice dated 06.04.2016 was issued in this regard, the petitioner is before this Court that too at the last moment stating that the jewels are to be sold today. The petitioner is working as Tahsildhar and it is stated that recently, he was placed under suspension.

6.Considering the fact that the petitioner has been unsuccessful in stalling the auction, when he approached the civil Court, cannot once again raise the same issue before this Court and contend that the jewels should not be auctioned. Therefore, no grounds have been made out to interfere with the impugned notice.

7.Accordingly, this writ petition is dismissed. However, considering the fact that the total amount as on 06.04.2016 is Rs.4,68,992/-, the respondent Bank shall not auction the jewel subject to the petitioner complying the following condition:

The petitioner shall pay a sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand Only) on or before the conduct of the auction today (15.04.2016) and if the petitioner complies with the said condition, the petitioner is granted six weeks time to pay the remaining amount and it is made clear that the balance amount payable within the extended period of six weeks shall

carry interest at the contracted rate. If the petitioner fails to pay the amount today (15.04.2016), the writ petition shall stand automatically dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

- 1 The Registrar of Co-Operative Societies,
N.V.Natarajan Maligai,
No.170, Periyar EVR High Road,
Kilpauk, Chennai-600 010.
- 2 The Managing Director,
Cuddalore District Central Co-operative Bank Ltd.,
Cuddalore - 1.
- 3 The Branch Manager,
Cuddalore District Central Co-Operative Bank Ltd.,
No.48, South Car Street,
Chidambaram - 608 001.

+1cc to Mr.S.Ilamvaludhi, Advocate sr.23414
+1cc to the Government Pleader, Sr.23826

सत्यमेव जयते

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And

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