

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S. SIVAGNANAM

W.P.No.28081 of 2015

D. Elango

... Petitioner

Vs.

1. Palacode Town Co-operative Building Society Ltd KK 220, represented by its Secretary, No.5/568 Dhirthagiri, (Opp to Milk Co-operative Society) Palacode, Dharmapuri.
2. The Deputy Registrar, Co-operative Societies (Housing), Vellore. (R2 Suomoto impleaded as per order dt. 09.09.2014

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the respondent Society impugned pre-auction notices dated 27.3.2015, 09.06.2015 and 24.08.2015 in respect of the petitioner's property and quash the same and further direct the respondent Society to consider the petitioner's representation dated 20.04.2015.

For Petitioner : Mr.K.T.S.Sivakumar

For Respondents : Mrs.T.P.Savitha

Government Advocate (Co-op.)

ORDER

Heard Mr.K.T.S.Sivakumar, learned counsel appearing for the petitioner and Mrs.T.P.Savitha, learned Government Advocate appearing for the respondent Cooperative Society.

2. The petitioner is challenging the impugned demand notices issued by the 1st respondent which is infact a final notice threatening to bring the petitioner's house property for sale for defaulting payment of housing loan obtained by the petitioner's father. Though a meager amount of Rs.1,96,286/-

was obtained as loan by his father, on account of the default, the loan due has become Rs.6,33,051/-. The petitioner submitted a representation dated 20.4.2015 before the 1st respondent stating that he is a physically challenged person and he is unable to make two ends meet and therefore requested for waiver in terms of the various Government Orders. The President of the respondent Society considered the same and complied the Government Order and granted waiver of Rs.2,65,140/- and directed the petitioner to pay the balance amount of Rs.3,67,911/- through its communication dated 6.5.2015. This, the petitioner did not pay and therefore notices were issued by the respondent to bring the house property for sale.

3. At the time, when the Writ Petition was entertained, a sum of Rs.1,00,000/- was directed to be deposited by an interim order dated 7.9.2015 and accordingly the same has been deposited by the petitioner on 8.10.2015.

4. After hearing the arguments of learned counsel appearing for the parties and taking note of the peculiar facts and circumstances of the case and the petitioner, being a physically challenged person and he had also paid a sum of Rs.1,00,000/-, pursuant to the interim order granted by this Court, the balance amount of Rs.2,67,911/- (Rupees two lakhs and sixty seven thousand and nine hundred and eleven only) shall be paid by the petitioner within a period of eight weeks from the date of receipt of a copy of this order. This indulgence is granted as a one time indulgence, since the amount due is frozen on the said date and no further interest can be claimed by the respondents. However, if the petitioner defaults in complying with the above direction/order, the respondents are entitled to recover the default amount together with interest up to date.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

सत्यमेव जयते

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

msr

To

1. The Secretary,
Palacode Town Co-operative Building
Society Ltd KK 220,
No.5/568 Dhirthagiri,
Palacode, Dharmapuri.

2. The Deputy Registrar,
Co-operative Societies (Housing),
Vellore.

+ 1 cc to MR. K.T.S. Sivakumar, Advocate Sr.15103
+ 1 cc to M/s. T.P. Saritha, G.A. Sr.15356
+ 1 cc to Government Pleader Sr.15298

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RSY(CO)
EU 22.03.16



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