

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. Nos.2058 & 2059 of 2016

V.Arumugam .. Petitioner in W.P.No.2058 of 2016

Ravi .. Petitioner in W.P.No.2059 of 2016

Vs

- 1 The Deputy Registrar of
Cooperative Societies
4th cross, Co-operative Colony
Krishnagiri 635 001.
- 2 The Sale Officer / District Registrar
Co-operative Sub-Register / Filed Officer
Uthangarai,
Krishnagiri District -635 206.
- 3 The Secretary
DD 100 Kodamandapatti
Primary Agricultural
Cooperative Bank
Kodamandapatti
Krishnagiri.

... Respondents in both W.Ps.

COMMON PRAYER : Petitions filed Under Article 226 of the Constitution of India praying to issue Writ of Certiorari, to call for the records proceedings in EP No.69 / 2007-2008 surcharge No.6/2006 / SABA1 dt.23.12.2015 and attachment and auction sale Notice No.8 and No.9 of immovable property in issued under Rules 1988 the 2nd Respondent / Sale Officer on 25.01.2016 and quash the same.

For Petitioners :Mr.T.Panchatsaram

For Respondents :Mr.L.P.Shanmuga Sundaram - R1
Special Govt. Pleader

C O M M O N O R D E R

Heard Mr.T.Panchatsaram, learned Counsel appearing for the petitioner, and Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader Counsel accepting notice for the first respondent and with their consent the Writ Petition is taken up for final disposal.

2.This is the second time, the petitioners are before this Court, relating to the same cause of auction. Earlier the petitioners have filed W.P.No.18804 of 2015, wherein, they sought for stay of all further proceedings in the Execution Petitions. This Court granted an interim order on 26.06.2015.

3.It is admitted by the petitioners that they have not complied with the condition imposed in the said interim order. Therefore, as per the interim order dated 26.06.2015, the interim stay granted stood automatically vacated. Further, though the petitioners would state that they have filed Petitions to modify the said order, those petitions are yet to be numbered.

4.In the light of the above facts, the respondents were justified in taking steps to recover the amount. However, by way of last indulgence, liberty is granted to the petitioners to approach the second respondent/Sale Officer before the date of sale fixed and pay 50% of the amount, which the petitioners are required to pay. If the petitioners pay the 50% of the amount, then sale shall not take place and if the petitioners fails to pay the said amount, it is open to the Sale Officer to proceed in accordance with law.

The Writ Petitions are disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rpa

To

- 1 The Deputy Registrar of
Cooperative Societies
4th cross, Co-operative Colony
Krishnagiri 635 001.
 - 2 The Sale Officer / District Registrar
Co-operative Sub-Register / Filed Officer
Uthangarai,
Krishnagiri District -635 206.
 - 3 The Secretary
DD 100 Kodamandapatti Primary Agricultural
Cooperative Bank
Kodamandapatti
Krishnagiri.
- + 2 ccs to Mr.T. Panchatshram, Advocate sR.3571 & 3572
+ 1 cc to Mr.T. Panchatshram, Advocate SR 4400[12/7/2016]
+ 1 cc to Mr.L.P. Shanmugasundaram, Advocate SR.3510
+ 2 ccs to The Government Pleader SR.3787, 3770
- W.P. Nos.2058 & 2059 of 2016
- JSV(CO)
EU 22.1.16

सत्यमेव जयते

WEB COPY