

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2016

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

W.P. No. 25391 of 2016

&

W.M.P. Nos. 21699 & 21700 of 2016

S. Mathiyazhagan

..Petitioner

Vs.

The Secretary,
S.1236, Primary Agricultural
Co-operative Credit Society,
Cuddalore Main Road,
Vazhapadi - 636 115.
Salem District.

..Respondent

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the public auction notification of the respondent dated 13.07.2016 issued in Dina-Thanthi and quash the proceedings so far it relates to petitioner in Serial No.4 pertaining to Loan No.35, and further direct the respondent to consider one time settlement of loan through monthly instalments by considering the representation dated 20.06.2016.

For Petitioner :: Mr.A. Thiyagarajan

For Respondent :: Mr.L.P. Shanmughasundaram,
Special Govt. Pleader

O R D E R

This writ petition is filed for issue of a Writ of Certiorarified Mandamus to call for the public auction notification of the respondent dated 13.07.2016 issued in Dina-Thanthi and quash the proceedings so far it relates to petitioner in Serial No.4 pertaining to Loan No.35, and further direct the respondent to consider one time settlement of loan through monthly instalments by considering the representation dated 20.06.2016.

2. Heard the learned counsel on either side.

3. It has been brought to the notice of this Court that in respect of a similarly placed person, in W.P. No. 21933 of 2016, this Court passed the following order on 24.06.2016, while disposing of the writ petition:

"4. Taking into consideration, the poor condition of the lady, who is doing agriculture, it is appropriate to direct the petitioner to pay a sum of Rs.50,000/- on or before 27.06.2016, i.e, before the conduct of the auction. On such deposit, the respondent shall defer the auction proceedings. Further, the petitioner is directed to deposit a sum of Rs.50,000/- within three weeks thereafter and the balance amount is directed to be paid in 5 monthly equal instalments. On such payment of the entire amount, the respondent shall return the agriculture produce, which has been pledged with the respondent by the petitioner."

4. In view of the above order passed by this Court, in similar circumstances, following the same, this writ petition is disposed of as hereunder:

"Taking into consideration, the poor condition of the petitioner, who is doing agriculture, the auction, which is scheduled to be held on 21.07.2016 at 2p.m. shall stand deferred and initially, out of the total amount due, the petitioner is directed to pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) on or before 25.07.2016. Further, the petitioner is directed to deposit a sum of Rs.50,000/- within a period of three weeks thereafter and the balance amount is directed to be paid in 5 equated monthly instalments. On payment of the entire amount due, the respondent shall return the agriculture produce, which has been pledged with the respondent by the petitioner. However, in the event of default in making any of the aforesaid payments, the respondent is at liberty to proceed in accordance with law. "

No costs. Connected W.M.Ps are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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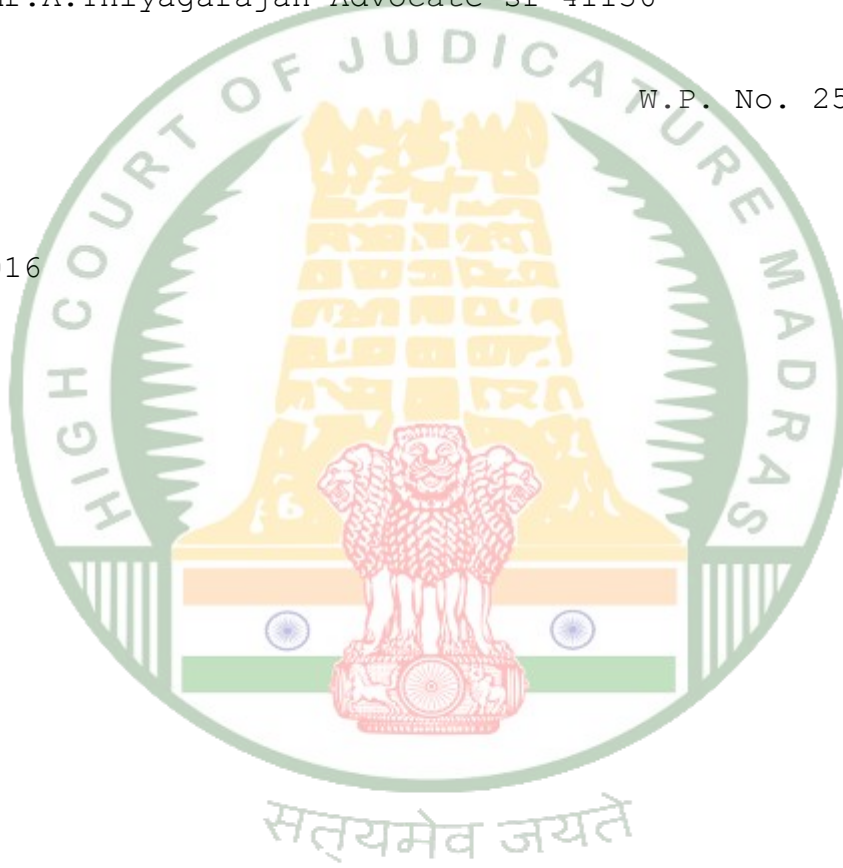
To

The Secretary,
S.1236, Primary Agricultural
Co-operative Credit Society,
Cuddalore Main Road,
Vazhapadi - 636 115.
Salem District.

+1 cc to Mr.A.Thiyagarajan Advocate sr 41136

W.P. No. 25391 of 2016

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