

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2016

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.42659 of 2016

N.Subramani

.. Petitioner

Vs

- 1.The Managing Director / Additional Registrar,  
TN State Co-operative,  
Co-operative Housing Society,  
Chennai - 600 004.
  - 2.The Deputy Registrar of Cooperative (Housing),  
Coimbatore Region,  
Coimbatore District.
  - 3.The Special Officer / Secretary,  
Sathys Industrial Workers,  
Co-operative Housing Society Limited,  
CBE/HSG-5, 513, N.B.Complex,  
Avinashi Road, Tiruppur - 6.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records relating to the demand notice dated 16.09.2016 issued by the second respondent, quash the same and consequently direct the third respondent to release the scheduled property title deed deposited by the petitioner.

For petitioner : Mr.A.Saravanan

For Respondents : Ms.T.Girija, GA

O R D E R

Heard Mr.A.Saravanan, learned counsel for the petitioner and Ms.T.Girija, learned Government Advocate, who accepts notice for the respondents and with their consent, the writ petition itself is taken up for disposal.

2. In this writ petition, the petitioner challenges the demand notice dated 16.09.2016 issued by the second respondent / the Deputy Registrar of Cooperative (Housing), Coimbatore.

3. According to the petitioner, he obtained a loan amount of Rs.4,90,000/- from the third respondent / the Special Officer, Sathys Industrial Workers, Co-operative Housing Society Limited, Tiruppur, by mortgaging his property in Plot No.20, measuring an extent of 422 ½ sq.ft. and plot No.21, measuring an extent of 1943 ½ sq.ft. However, the third respondent had disbursed only a sum of Rs.1,64,300/- on 13.03.2008. It is further stated that though the petitioner demanded for the balance amount, the third respondent did not disburse the same, therefore, he was constrained to borrow the money from his relatives and friends on interest basis. He further submitted that on 25.11.2008, the third respondent had merely added another sum of Rs.85,700/- to his loan account, therefore, when enquired, he was informed that the said sum was paid towards agent commission, deposit, interest and some other expenses. Finally, the Sub-Registrar of Cooperative Housing Unit, Tiruppur Division-2, passed an award directing the petitioner to pay a sum of Rs.7,82,300/- with interest at 17% per annum in case No.378/10-11, dated 14.12.2015.

4. It is seen that since the petitioner did not give any reply nor paid any amount to settle the loan on receipt of the above award, the second respondent issued the impugned demand notice to pay the loan amount, with a further condition that if the said sum is not settled in ten days, the property in question would be auctioned. Thus, in my view, the present writ petition filed by the petitioner challenging the consequential demand notice dated 16.09.2016 issued by the second respondent without challenging the award dated 14.12.2015 passed by the the Sub-Registrar of Cooperative Housing Unit, Tiruppur Division, cannot be sustained. In my view, had he aggrieved by any of the actions taken by the respondents, he should have challenged the award as stated above.

5. Thus, for the reasons stated above, the writ petition fails and the same is dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

rkm

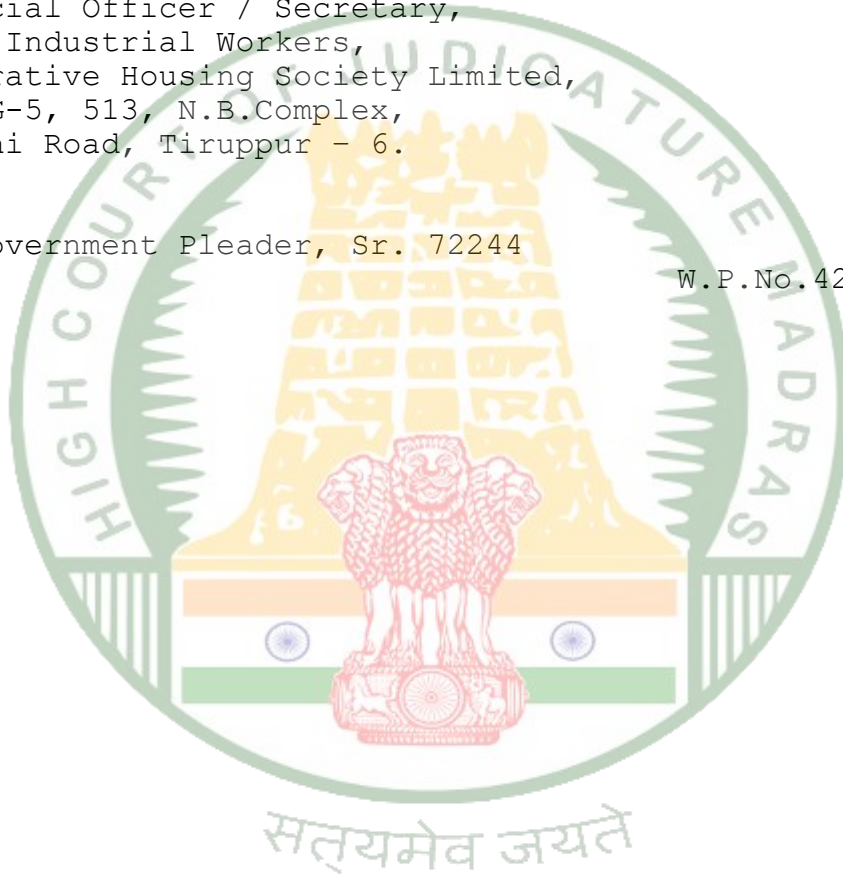
To

- 1.The Managing Director / Additional Registrar,  
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- 3.The Special Officer / Secretary,  
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1 cc to Government Pleader, Sr. 72244

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