

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.12.2017
CORAM

THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER
And
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.No.1735 of 2017
And
C.M.P.No.22161 of 2017

R.Anbalagan ... Appellant/Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by the Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai 600 009.

2.The Registrar,
Co-operative Societies,
Housing and Urban Development Department,
Nandanam, Chennai 600 035.

3.The Deputy Registrar,
Gandhi Nagar,
Vellore 632 001.

4.The Secretary,
Dharmapuri NGOs and Self Employees
Co-operative House Building Society Ltd.,
K.K.343, No.4/560, Railway Station Road,
Dharmapuri 636 701. ... Respondents/Respondents

Prayer:

Writ appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 25.10.2017 passed in W.P.No.27310 of 2017.

Prayer in WP.No.27310 of 2017: Writ petition under Article 226 of the Constitution of India praying that in these circumstance stated therein and in the respective affidavits filed therewith the High Court will be pleased issue to writ of mandamus directing the respondents to waive the penal interest and the interest on the belated payment as per the Government order in G. O.(Ms.) No.40 dated 16.03.2015

For Appellant : Mr.S.Sadasharam
For Respondents: Mr.Akhil Akbar Ali for R1 and R3
Government Advocate

J U D G M E N T

(Judgment of the Court was delivered by RAJIV SHAKDHER, J.)

1.Mr.Akhil Akbar Ali, Government Advocate, on advance notice, appears on behalf of respondent nos.1 and 3. In view of the order, that we propose to pass, no notice, need be issued, to respondent nos.2 and 4.

1.1.To be noted, the impugned order, is, infact an interim order, passed by the learned Single Judge, at an exparte stage, when no notice was issued, to the respondents.

2.The learned counsel for the appellant, says, that the condition imposed by the learned Single Judge of depositing Rs.3,00,000/-, is onerous, given the fact, that the total dues claimed, as per communication dated 06.04.2017, by respondent no.4, is only Rs.4,96,746/-.

2.1.Furthermore, learned counsel for the appellant, says, that since the appellant is a retired employee, it would be difficult, to pay the said sum, at this stage, and then seek recovery, if he were to succeed, in the writ petition.

3.According to us, the letter dated 06.04.2017, is only indicative of the fact that respondent no.4, is willing to offer One Time Settlement (OTS), by taking into account G.O.(Ms.) No.40, dated 16.03.2015. Therefore, the contention that only Rs.4,96,746/- would be payable, by the appellant, may not be correct.

4.The learned counsel for the appellant, at this stage, says that he would deposit, a sum of Rs.3,00,000/-, with the Registrar General of this Court, subject to the outcome of the writ petition.

5.Since the impugned order, which is an interim order, was passed exparte, the same, is varied to the extent, that the appellant, is permit to deposit the sum of Rs.3,00,000/- (Rupees Three Lakhs Only), with the Registrar General of this Court, on or before 04.01.2018.

5.1.On such deposit being made, the Registrar General, will invest the same, in an interest bearing fixed deposit; created with a Nationalized Bank.

5.2.In case, the deposit is not made, the interim order, passed by the learned Single Judge, will dissolve automatically.

6.The writ appeal is disposed of, as indicated above. No costs. Consequently, the connected miscellaneous petition shall stand closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Housing and Urban Development Department,
Fort St.George,
Chennai 600 009.

2.The Registrar,
Co-operative Societies,
Housing and Urban Development Department,
Nandanam, Chennai 600 035.

3.The Deputy Registrar,
Gandhi Nagar,
Vellore 632 001.

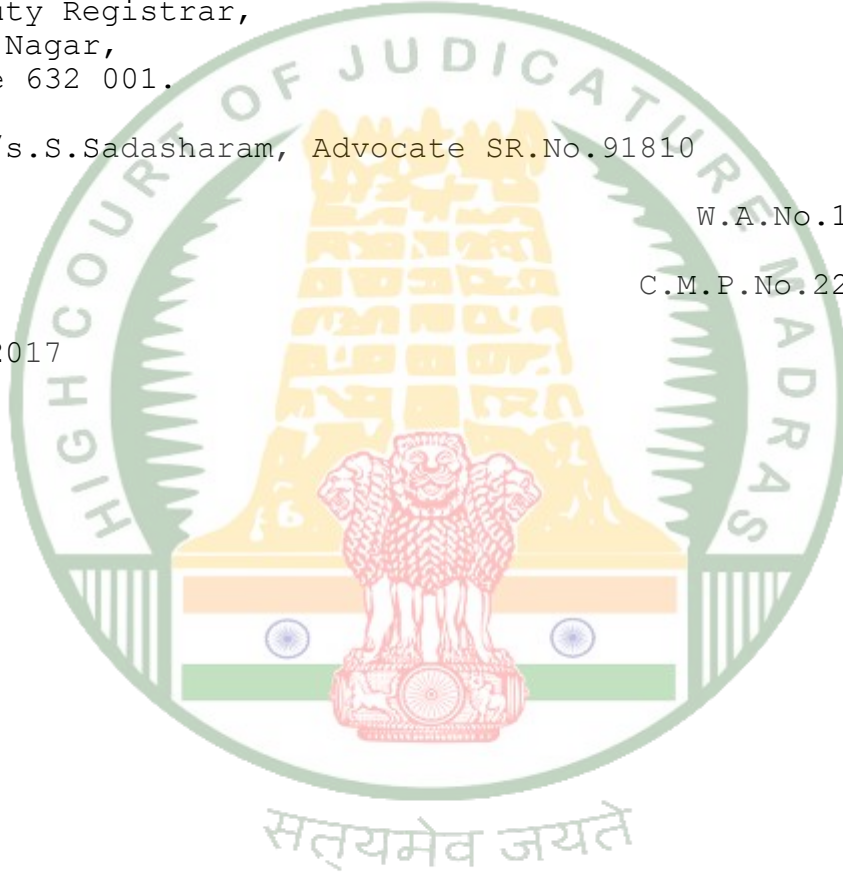
+1cc to M/s.S.Sadasharam, Advocate SR.No.91810

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RR(CO)
sm:22.12.2017



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