

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 5.9.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.23888 of 2017

A.Sampath

Petitioner

Vs.

1. The Deputy Registrar of Cooperative Societies (Housing),
Chengalpattu,
Kancheepuram District.
2. The President,
Uthiramerur Taluk Cooperative Housing Society Ltd.,
No.17, Nookkalamman Temple street,
Uthiramerur,
Kancheepuram District.

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings C.E.P.No.249/04-05, dated 21.7.2017 and quash the same.

For Petitioner : Mr.C.Prakasam
For Respondent No.1 : Mr.V.Selvaraj, A.G.P.
For Respondent No.2 : Ms.T.Girija, G.A.

ORDER

By consent of parties, writ petition itself has been taken up for final disposal. Challenging the impugned auction sale notice issued by the first respondent,

dated 21.7.2017, the petitioner has filed the writ petition to quash the same.

2 According to the petitioner, as per the auction sale notice, the petitioner defaulted in payment of arrears of loan amount to the tune of Rs.3,95,000/- plus future interest as on 31.7.2017. The learned counsel for the petitioner undertakes to pay Rs.50,000/- on or before 11.00 a.m., 6.9.2017. Thereafter, Rs.1,00,000/- (Rupees lakh only) will be paid by the petitioner on or before 4.10.2017. The balance amount is concerned, the petitioner seeks to file a claim petition before the authority concerned under Rule 135 of the Tamilnadu Cooperative Societies Act.

3 The learned Government Advocate appearing for the second respondent would submit that sufficient opportunities were given to the petitioner since 1997. In spite of that, the petitioner intentionally drag on to repay the loan amount to the society. The learned Government Advocate would submit that to show bonafide, the petitioner has to pay a reasonable amount to the respondent society to file claim / objection under Rule 135 of the Tamilnadu Cooperative Societies Rules.

4 The submission made by the learned counsel for the petitioner that the petitioner undertakes to pay the amount of Rs.50,000/- (Rupees fifty thousand only) on or before 11.00 a.m., 6.9.2017 and another sum of Rs.1,00,000/- (Rupees one lakh only) will be paid by the petitioner on or before 4.10.2017 is recorded. On depositing the above said amount to the respondent society, by the petitioner, the petitioner is permitted to file a claim petition or objection before the authority

concerned under Rule 135 of the Tamilnadu Cooperative Societies Rules, within a period of two weeks from the date of second instalment, namely Rs.1,00,000/- (Rupees one lakh only) payable on or before 4.10.2017 by the petitioner. Till such time, auction proceedings shall be deferred. If any default in the payment of the above said amount within the prescribed period, it is open to the respondent to proceed in accordance with law.

The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

5.9.2017

Speaking/Non Speaking order

Index: Yes/No

Internet:Yes/No

Note: Issue order copy TODAY (5.9.2017)

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2. The President, Uthiramerur Taluk Cooperative Housing Society Ltd., No.17, Nookkalamman Temple street, Uthiramerur, Kancheepuram District.

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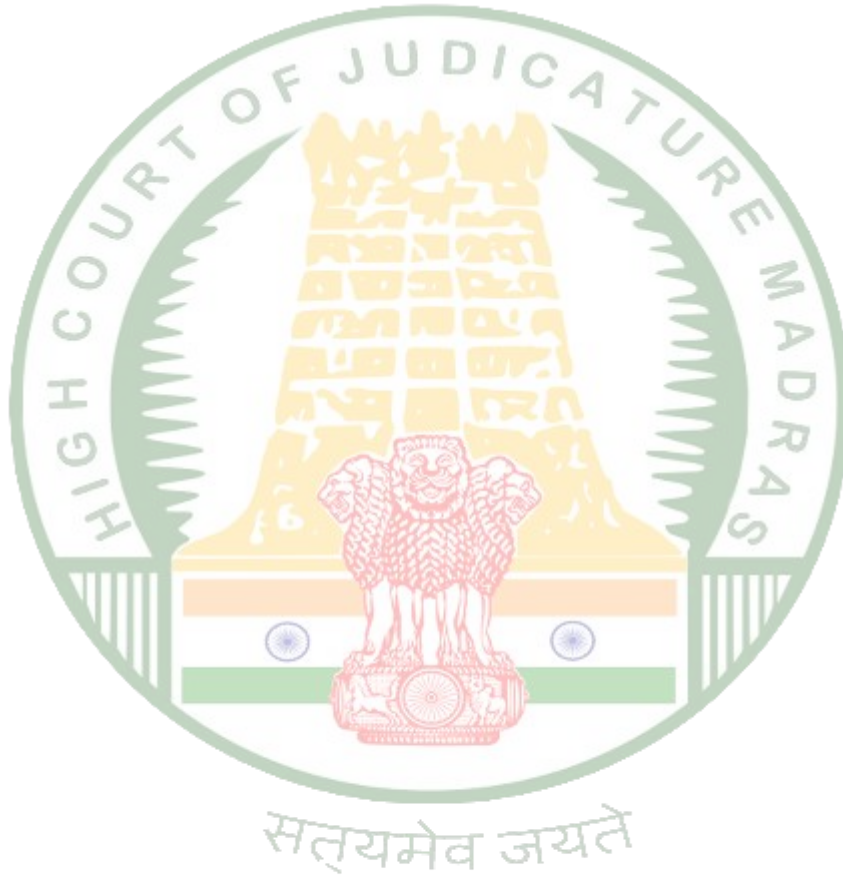
D.KRISHNAKUMAR, J.

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and M.P.No.1 of 2017

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