

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.15467 of 2017

and

WMP Nos.16755 & 16756 of 2017

V.R.Manickam

..petitioner

Vs.

1. The Registrar of the District, (Housing)
Salem Region,
Salem-16.
2. Sub-Registrar,
Co-Operative Society (Housing)
Salem.
3. Salem Urban Co-operative Society Ltd (Building)
Rep. by its Secretary,
4-A, Chairman Chinnaiya Road,
Maravaneri
Salem-636 007.

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the 1st respondent herein comprised in the impugned Auction Sale Notice dated 13.04.2017 in C.E.P No.212/2010-11 Claims ARC No.83/2007-08 on 22.06.2017, and quash the same.

For Petitioner : Mr.J.Franklin

For Respondents : Mr.L.P. Shanmuga Sundaram
Special Government Pleader

ORDER

According to the petitioner, the petitioner borrowed a loan for a sum of Rs.4,00,000/- from the third respondent on

30.05.2000. After the retirement of the petitioner, the loan was not regularly paid due to the old age and on medical ground of the petitioner. Therefore, the third respondent filed a petition before the second respondent in Case No.Claims ARC No.83/2007-08 and on 11.08.2009, an award was passed for a sum of Rs.4,01,050/- with interest. With great difficulty, the petitioner paid a sum of Rs.50,000/- on 07.06.2017, and running his family. Being a pensioner, the petitioner could not settle the entire loan amount. On 20.03.2015, the Registrar of the Cooperative Societies, Tamil Nadu Housing Board Building, Mound Road, Nandanam, Chennai-35 issued a circular in Na.Ka.5686/2014/Aa.4 dated 20.03.2015 to the second respondent for waiver of interest and penal interest based on which, the petitioner made several representations to the third respondent for waiver of interest and penal interest, but the third respondent did not consider the petitioner's representations. Now, the first respondent has issued an auction sale notice in C.E.P.No.212 / 2010-11 dated 13.04.2017 on the petitioner's dwelling house property wherein the date of auction has been fixed on 22.06.2017. Hence, the petitioner has filed this present writ petition.

2. During the course of arguments, the learned counsel for the petitioner undertakes that the petitioner will pay to the third respondent society a sum of Rs.1,50,000/- on or before 11.00 a.m on 22.06.2017 and further a sum of Rs.3,00,000/- on or before 15th September, 2017 and requests this Court to direct the first respondent to consider the petitioner's representation dated 14.06.2017 for the balance loan amount.

3. In view of the submissions made by the learned counsel for the petitioner, this court is inclined to direct the petitioner to pay a sum of Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only) on or before 11.00 a.m on 22.06.2017 and further a sum of Rs.3,00,000/- (Rupees Three Lakhs only) on or before 15th September 2017 to the credit of the petitioner's loan account No.46 (Membership No.599) . In the mean time, the first respondent is directed to consider the petitioner's representation dated 14.06.2017 for the balance loan amount on merits and in accordance with law as expeditiously as possible not later than 1st September 2017. Thereafter, on the basis of the order passed by the first respondent, the petitioner has to pay the balance amount within a period of three months from the date of receipt a copy of the order passed by the first respondent. If any default of anyone of the above said clause, the order granted by this Court shall stand automatically vacated and the first respondent is permitted to proceed in accordance with law, if the petitioner fails to comply with the above directions.

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

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

mm/lok

To

1. The Registrar of the District, (Housing)
Salem Region,
Salem-16.
2. The Sub-Registrar,
Co-Operative Society (Housing)
Salem.
3. The Secretary,
Salem Urban Co-operative
Society Ltd (Building)
4-A, Chairman Chinnaiya Road,
Maravaneri
Salem-636 007.

+1 CC to Mr. J. Franklin, Advocate sr 43832
+1 CC to Mr.L.P. Shanmuga sundaram, Advocate sr 43353
+1 CC to Govt. Pleader sr 43439

सत्यमेव जयते W.P.No.15467 of 2017 and
WMP Nos.16755 & 16756 of 2017

KGK(CO)
sp(18/07/2017)

WEB COPY