

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. Nos. 8861 and 8862 of 2010
and
M.P. Nos. 2 & 2 of 2010

M/s. Mohanraj Trading Company
rep. By its Partner G.Srinivasan

... Petitioner in
W.P. No.8861 of 2010

Mr. A. Ravichandran
Prop. M/s. Ganapathi Traders

.. Petitioner in
W.P. No.8862 of 2010

Vs.

1. The Government of Tamil Nadu
Rep. By Secretary to Govt.
Food, Co-operation and Consumer
Protection Department
Fort St. George
Chennai - 600 009.

2. The Registrar of Co-operative Societies
170, Poonamallee High Road
Kilpauk, Chennai-10.

3. The Special Officer
The Chengam Agricultural
Co-operative Marketing Society Ltd.,
HH 219, Chengam Taluk
Thiruvannamalai District.

.. Respondents in
both W.Ps

PRAYER in both WPs: This Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the demand notice dated 10.12.2009 on the file of the 3rd respondent, quash the same and direct the respondents to scale down the demand by waiving the interest on the principal amount due to the 3rd respondent and issue fresh demand and pass such further orders.

For Petitioner : Mr. D. Aravindan
in both WPs
For Respondents : Ms. T. Girija,
in both WPs Government Advocate for R1 & R2
: Mr. D. Sreenivasan for R3

C O M M O N O R D E R

These Writ Petitions have been filed challenging the demand notice dated 10.12.2009 issued by the 3rd respondent, quash the same and direct the respondents to scale down the demand by waiving the interest on the principal amount due to the 3rd respondent and issue fresh demand.

2. Today, when the cases were taken up for final hearing, the learned counsel appearing for the 3rd respondent would submit that the petitioners have undertaken to settle the outstanding due amount as demanded by the 3rd respondent Society in his letter dated 18.07.2017, a sum of Rs.16,06,663/- due from the 1st petitioner and Rs.6,70,839.00 from the 2nd petitioner and a total sum of Rs.22,77,542/- in respect of both the petitioners.

3. Learned counsel appearing for the petitioners requested twelve weeks time to settle the aforesaid due amount, to the 3rd respondent society. Learned counsel for the 3rd respondent society, agreed for grant of eight weeks time to settle the amount.

4. In view of the submissions made by the learned counsel for the parties, considering the undertaking given by the learned counsel for the petitioners, taking into consideration the huge amount payable by the petitioners and without going into the maintainability of the writ petitions, this Court is inclined to grant twelve weeks time to the petitioners to pay the due amount, as demanded in the notice dated 18.07.2017. However, if there is any other dispute, the parties concerned can approach the competent authority, under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983.

5. The Writ Petitions are disposed, on the above terms. Consequently, the connected M.Ps are closed. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

avr

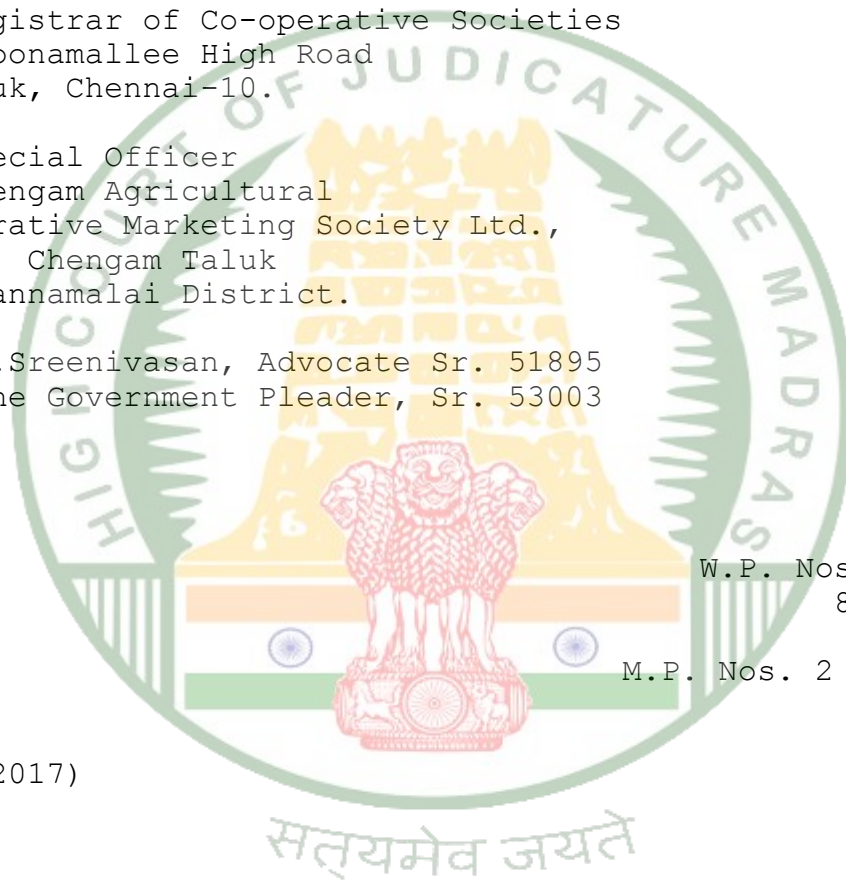
To

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+1cc Mr.D.Sreenivasan, Advocate Sr. 51895
+1cc to the Government Pleader, Sr. 53003

W.P. Nos. 8861 and
8862 of 2010
and
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AR (IV)
VR(21/09/2017)



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