

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.18989 of 2017
and WMP.Nos.20519 & 20520 of 2017

Aandiammal

... Petitioner

Vs.

1.The Joint Registrar (Agricultural Credit Co-operative Societies)

Office of the Joint Registrar ((Agricultural Credit Co-operative Societies)

Surampatty, Erode 638 009.

2.The Deputy Registrar (Agricultural Credit Co-operative Societies)

Office of the Joint Registrar(Agricultural Credit Co-operative Societies)

Surampatty, Erode 638 009.

3.The Secretary,

Primary Agricultural Credit Co-operative Society,
AA-250, Veerappanpalayam Post,
Arachalur via,

Erode District 638 001.

... Respondents

Petition filed under Article 226 of Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records in respect of the impugned Paper Publication for auctioning the petitioner's jewels issued in Malaimalar Tamil Daily News Paper Erode Edition, dated 13.07.2017 by the third respondent to the extent of the petitioner's jewels are concerned to quash the same and consequently direct the respondents to give sufficient opportunity and sufficient time till the monsoon comes and the present drought condition is over to the petitioner for getting back her jewels by settling the loan amount from the future Agricultural Income.

For Petitioners ... Mr.V.Kadhirvelu

For Respondents ... M/s.T.Girija
Government Advocate.

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. The learned counsel appearing for the petitioner has filed the writ petition, challenging the auction notice issued by the third respondent society. According to the learned counsel for the petitioner, due to drought in Modakkurichi, Erode District, she was not able to earn any income from the agriculture. Therefore, the petitioner was unable to pay the installment dues properly. Today when the matter is taken up for hearing, the learned counsel for the petitioner on instructions undertook to settle the outstanding loan amount by way of installment.

3. The learned Government Advocate appearing for the respondents would submit that the writ petition is not maintainable, in the light of the decision rendered by the Full Bench of this Court in the case of K. MARAPPAN VS. DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES, NAMAKKAL reported in 2006 (4) CTC 689. However, since the petitioner has come forward to repay the due amount in installments, the same will be considered by the respondents by granting time as directed by this Court.

4. In view of the submissions made by the learned counsel for both parties, this Court is inclined to pass the following order

i) The petitioner is directed to pay a sum of Rs.20,000/- to the third respondent society on or before 26.07.2017, 10.30 a.m.

ii) As per the undertaking given by the petitioner, she shall pay a sum of Rs.10,000/- per month to the third respondent society on or before 5th Day of every succeeding month from August, 2017.

iii) In default of the aforesaid payments, liberty is granted to the respondents to proceed against the petitioner in accordance with law

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

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Joint Registrar (Agricultural Credit Co-operative Societies)

Office of the Joint Registrar ((Agricultural Credit Co-operative Societies)

Surampatty, Erode 638 009.

2.The Deputy Registrar (Agricultural Credit Co-operative Societies)

Office of the Joint Registrar(Agricultural Credit Co-operative Societies)

Surampatty, Erode 638 009.

3.The Secretary,

Primary Agricultural Credit Co-operative Society,

AA-250, Veerappanpalayam Post,

Arachalur via,

Erode District 638 001.

+1cc to M/s.V.Kadhivel,Advocate sr.57309

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rk(co)
ss(25/7/2017)



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