

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 12237 of 2010
and
M.P. Nos. 1 & 2 of 2010

P. Perumal ... Petitioner

Vs.

1. The Co-operative Sub Registrar/Sale Officer,
Office of the Deputy Registrar,
Co-operative Societies,
Cheyyar, Thiruvannamalai District.
2. The Thiruvannamalai District Central
Co-operative Bank Limited,
Arni Branch,
Arni, Thiruvannamalai District. ... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari to call for the records of the 1st respondent pertaining to the auction notice published in the Dina Thandi issued dated 24.05.2010 and quash the same.

For Petitioner : Mr. G. Jeremiah

For Respondents : Mr. V. Selvaraj,
Additional Government Pleader for R1
Mr. M. S. Palanisamy for R2.

O R D E R

The Petitioner has filed the present Writ Petition challenging the impugned auction notice dated 24.05.2010 published in the Daily Thanthi newspaper.

2. The learned counsel for the petitioner submitted that the petitioner availed financial assistance from the 2nd respondent Bank in the year 1990, for establishing mat manufacturing industry under the Small Scale Industries Scheme. The petitioner was sanctioned Rs.83,000/- based on the security

of his residential house. Since the petitioner was unable to repay the loans regularly, the 2nd respondent issued a communication calling upon the petitioner to pay a sum of RS.1,68,126/- towards settlement of the entire loan amount. Since the said amount was not paid, the 1st respondent issued the impugned auction notice for sale of the property of the petitioner. According to the petitioner, without considering the payments already made by the petitioner and the proposals of the Government granting waiver interest, the 1st respondent has issued the impugned notification in Daily Thanthi dated 24.05.2010 for sale of the residential house of the petitioner. Aggrieved by the same, the petitioner has filed this writ petition.

3. The learned counsel for the respondents submitted that on 09.11.2010, the petitioner who was present in the Court submitted his willingness to go before the respondent Society and pay the balance amount and settle the matter. It is also submitted by the parties before this Court that due to the pendency of this writ petition, the proposed auction was not proceeded and the same is pending.

4. Today, when the matter was taken up for hearing, learned counsel for the petitioner submitted that he is not in a position to get instructions from the petitioner.

5. In view of the above submissions of the learned counsel for the petitioner, the writ petition is dismissed. However, it is open to the petitioner to approach the respondent Bank, to seek time to settle the balance amount. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

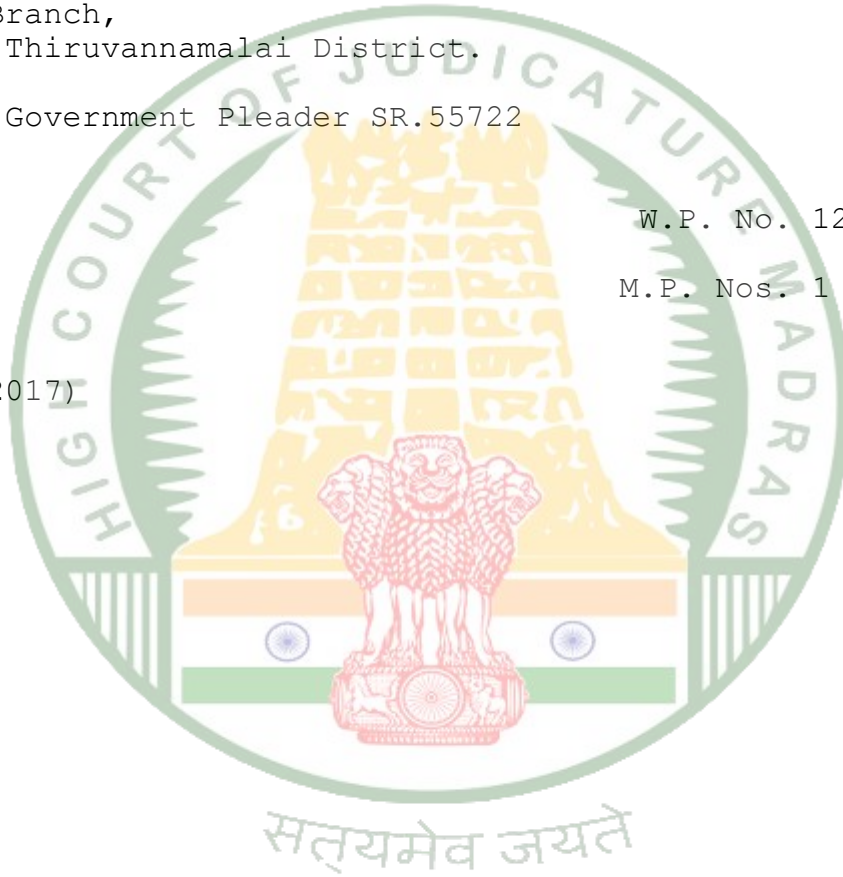
rkp/avr

To

1. The Co-operative Sub Registrar/Sale Officer,
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Co-operative Societies,
Cheyyar, Thiruvannamalai District.
 2. The Thiruvannamalai District Central
Co-operative Bank Limited,
Arni Branch,
Arni, Thiruvannamalai District.
- + 1 cc to Government Pleader SR.55722

W.P. No. 12237 of 2010
and
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KJ(CO)
EU(21/09/2017)



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