

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.04.2017

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.32871 of 2016
and W.M.P.No.28410 of 2016

Chinnapillai

... Petitioner

Vs

1. The Secretary to Government
Co-operative Society Department
Fort Saint George, Chennai 9
2. The Secretary
Salem Co-operative Housing Society Ltd.,
N.S.No.1329, No.165/247, Cherri Road,
Karturi Nilaiyam, Salem 636 001.
3. The Co-operative Sub Registrar
(Housing Society) Arbitrator
Salem Co-operative Housing Society Ltd.,
N.S.No.1329, Salem 1

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue writ of Certiorarified Mandamus calling for the records of the second respondent loan recovery final notice dated 02.09.2016 and quash the same and forbearing the second respondent from proceedings loan recovery final notice dated 02.09.2016 auction on the on line auction till the disposal of the Arbitration proceedings pending before the third respondent.

For Petitioner : Mr.D.Dhayalan

For Respondents: Mrs.T.Girija, Government Advocate

ORDER

The prayer in the writ petition is to issue writ of Certiorarified Mandamus calling for the records of the second respondent loan recovery final notice dated 02.09.2016 and quash the same and forbearing the second respondent from proceedings loan recovery final notice dated 02.09.2016 auction on the on

line auction till the disposal of the Arbitration proceedings pending before the third respondent.

2. At the time of hearing, the learned Government Advocate placed the letter dated 20.10.2016, submitted by the petitioner, stating that the petitioner will pay a sum of Rs.50,000/- on or before 30.10.2016 and thereafter the balance amount will be paid within one month time. The said letter placed before this Court is recorded.

3. The learned counsel for the petitioner represented that he is unable to get instructions from his client about payment, whether the amount has been settled to the respondent society or not.

4. In view of the letter submitted by the petitioner dated 20.10.2016 subsequent to the filing of the writ petition, the writ petition is disposed of with liberty to the petitioner, to approach the authority concern, to request for granting further time, if necessary. No costs. Connected miscellaneous petition is also closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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- +1 CC to Mr.D.Dhayalan, Advocate sr 22562
+1 CC to The Govt. Pleader sr 22698

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