

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9727 of 2018 and
WMP.Nos.11646 and 11647/2018

R.Manoharan

.. Petitioner

-vs-

1. The Secretary,
K.K.357, Krishnagiri Public Servants-
cum-Self Employed Co-operative House
Building Society Limited,
No.2-E, 4th Cross, Co-operative Colony,
Krishnagiri-635 001.

2. The Deputy Registrar (Housing),
Vellore Region, Vellore-6.

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Fair and Decreetal Orders made in C.M.A.No.10 of 2017 dated 22.01.2018 on the file of of the Principal District Judge at Krishnagiri, thereby confirming the Sale Notice in C.E.P.No.566/2016-2017 in ARC No.624/2009-2010 dated 09.02.2017 issued by the 2nd respondent and quash the same and consequently, direct the respondents to extend the benefits of Government Order vide G.O. (Ms.) No.40 dated 16.3.2015, Housing and Urban Development Department to the petitioner.

For Petitioner :: Mr.K.Premkumar

For Respondents :: Mr.L.P.Shanmugasundaram,
Spl. Govt. Pleader for R1 & R2

ORDER

The Writ Petition has been directed against the impugned Fair and Decreetal Orders made in C.M.A.No.10 of 2017 dated 22.01.2018 on the file of of the Principal District Judge at Krishnagiri, thereby confirming the Sale Notice in C.E.P.No.566/2016-2017 in ARC No.624/2009-2010 dated 09.02.2017 issued by the 2nd respondent and to quash the same and for

consequential direction, directing the respondents to extend the benefits of Government Order vide G.O. (Ms.) No.40 dated 16.3.2015, Housing and Urban Development Department to the petitioner.

2. Today, when the matter was called, the learned Counsel for the petitioner filed a Memo of the petitioner dated 25.4.2018 stating that as per the undertaking of the petitioner dated 20.4.2018, he is producing a Demand Draft for a sum of Rs.91,271/- drawn in favour of the 1st respondent Society, being the principal amount due towards the Housing Loan availed by him vide Loan Account No.48-LG.

3. At this stage, the learned Special Government Pleader appearing for the respondents 1 and 2 submitted that actually, the petitioner is liable to pay a sum of Rs.2,78,291/-. But, he was given the benefit of waiver of interest of Rs.1,42,482/-, since he has paid the principal sum of Rs.91,271/-. Therefore, he has to pay the balance of Rs.42,542/-.

4. Learned Counsel for the petitioner sought further time to pay the balance of Rs.42,542/-.

5. This Court grants two more months time to clear the aforesaid amount. However, it is made clear that if the petitioner commits any default, the respondents are at liberty to proceed further in accordance with law.

6. With the above observation and direction, the Writ Petition is disposed of. No costs. Consequently, connected M.Ps. are closed.

Sd/-
Asst.Registrar (CO)

/true copy/

सत्यमेव जयते Sub Asst. Registrar

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To

1. The Secretary,
K.K.357, Krishnagiri Public Servants-
cum-Self Employed Co-operative House
Building Society Limited,
No.2-E, 4th Cross, Co-operative Colony,
Krishnagiri-635 001.

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2. The Deputy Registrar (Housing),
Vellore Region, Vellore-6.

+1cc to Mr.K.Premkumar, Advocate, sr.no.31531

W.P.No.9727 of 2018

SKV (CO)

RRK (30/05/18)



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