

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.3717 of 2019
& WMP.No.4106 of 2019

S.Gajalakshmi

... Petitioner

Vs.

1.The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai - 6.

2.The Deputy Registrar (Housing)
Vada-Arcot Region, Vellore District.

3.The Secretary,
C.1633, Ambur Co-op. Housing Society,
Ambur - 635 802,
Vellore District.

... Respondents

PRAYER: This Petition is filed under Article 226 of Constitution of India to issue a writ of certiorarified mandamus calling for the impugned notice in CEP.No.100/15-16/ARC No.905/06 dated 31.12.2018 issued by the 2nd respondent herein and quash the same and consequently direct the 1st respondent to consider the petitioner's representation dated 31.01.2019 for waiving the interest and penal interest levied by the 3rd respondent against the conditions enumerated in the G.O.Ms.No.406, Co-op. Dept., dated 05.07.1979.

For petitioner : Mr.T.Sundaravadanam

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader.

ORDER

This writ petition has been filed to quash the impugned notice in CEP.No.100/15-16/ARC No.905/06 dated 31.12.2018 issued by the 2nd respondent herein and consequently, to direct the 1st respondent to consider the petitioner's representation dated

31.01.2019 for waiving the interest and penal interest levied by the 3rd respondent against the conditions enumerated in the G.O.Ms.No.406, Co-op. Dept., dated 05.07.1979.

2. According to the petitioner, the petitioner has made a representation dated 31.01.2019 for waiving the interest and penal interest levied by the 3rd respondent. Without considering the petitioner's representation, the 3rd respondent sent an auction notice to the petitioner. This Court granted an interim stay through an conditional order dated 08.02.2019, directing the petitioner to deposit 50% of the demand amount made by the respondents in the impugned notice on or before 14.02.2019 before 3.00 p.m., failing which, the stay shall vacated automatically. However, the petitioner was not able to deposit the said amount within the stipulated period.

3. The learned Special Government Pleader appearing for the respondents would submit that the petitioner has not complied with the conditional order passed by this Court. Further, the learned Special Government Pleader submits that the petitioner has not challenge the notice in CEP.No.100/15-16/ARC No.905/06 dated 31.12.2018.

4. Considering the facts and circumstances of the case that the petitioner has not complied with the conditional order passed by this Court and the submissions of the learned counsel on either side, this Court does not find any merit in the petition.

5. In view of the above observations, this Writ Petition is dismissed with liberty to challenge the award, if so advised. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Housing and Urban Development Department,
Fort St. George, Chennai - 6.

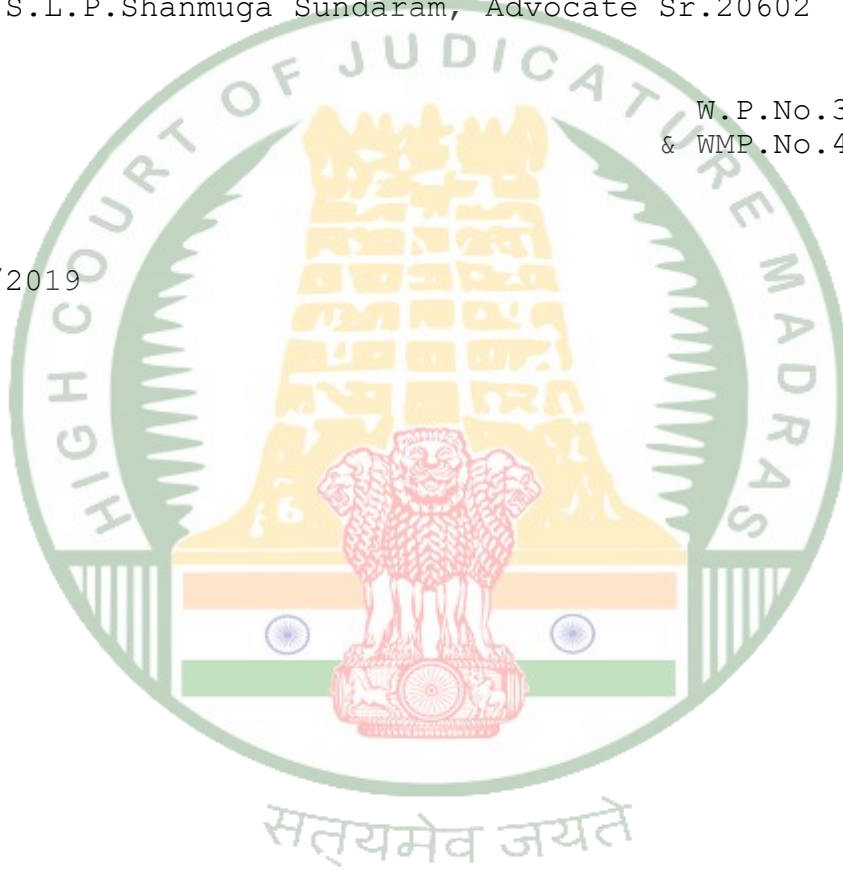
2.The Deputy Registrar (Housing)
Vada-Arcot Region, Vellore District.

3.The Secretary,
C.1633, Ambur Co-op. Housing Society,
Ambur - 635 802, Vellore District.

+lcc to Mr.T.Sundaravadanam, Advocate Sr.21124
+lcc to the Government Pleader 20987
+lcc to M/S.L.P.Shanmuga Sundaram, Advocate Sr.20602

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srg 08/04/2019



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