

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:24.07.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.19658 of 2019
and
W.M.P.Nos.19189 and 21086 of 2019

1.D.Kesavan
2.Mrs.K.Manjula

.. Petitioners

/versus/

1.Deputy Registrar of Co-operative Societies,
(Housing),
Vellore Region,
Vellore-6.

2.C.1225, Arakonam Co-op Urban Bank Ltd.
Rep.by its Managing Director/Deputy Registrar,
No.37, Kamarajar Salai,
Arakonam, Vellore District.

3.Sales Officer/Co-operative Field Officer,
Arakonam,
O/o Deputy Registrar of Co-operative Societies,
Ranipet,
Vellore District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records pertaining to the impugned action notice dated 06.06.2019 with Ref.No.C.E.P.No.21/2005-06/2; ARC No.3192/2003-2004 on the file of the 3rd respondent and quash the same.

For Petitioner :Mr.R.Neelakandan

For Respondents :Mr.L.P.Shanmughasundaram,
Spl.GP

O R D E R

The prayer in the writ petition is to issue a Writ of Certiorari calling for the records pertaining to the impugned

action notice dated 06.06.2019 with Ref.No.C.E.P.No.21/2005-06/2; ARC No.3192/2003-2004 on the file of the 3rd respondent and quash the same.

2. This Court has passed a conditional order dated 09.07.2019 wherein the respondents were directed not to confirm the action, if the petitioners deposit a sum of Rs.10 lakhs on or before 23.07.2019 and post the case on 24.07.2019 for reporting compliance.

3. Accordingly, today the matter is taken up for hearing, the learned counsel appearing for the petitioners reports that the conditional order passed by this Court on 23.07.2019 not complied by the petitioners. The conditional order was passed, since the petitioners pleaded that if some breathing time is given, to pay the dues in instalment, he can repay the due.

4. Though it was strongly opposed by the learned Special Government Pleader appearing for the respondents that on several occasion, the Court has interfered and granted time to the petitioners, but they have not showed any iota of bonafide to repay. In the said circumstances, to prove their bonafide the learned counsel appearing for the petitioners agreed to pay Rs.10lakhs as against the claim of around Rs.43lakhs. Since the petitioners failed to prove their bonafide, nothing survives in the writ petition.

5. In view of the above, this writ petition is dismissed. The respondents are at liberty to proceed with the auction process and recover the dues as per law. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

s/d-
सहायमेव जयते

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

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To

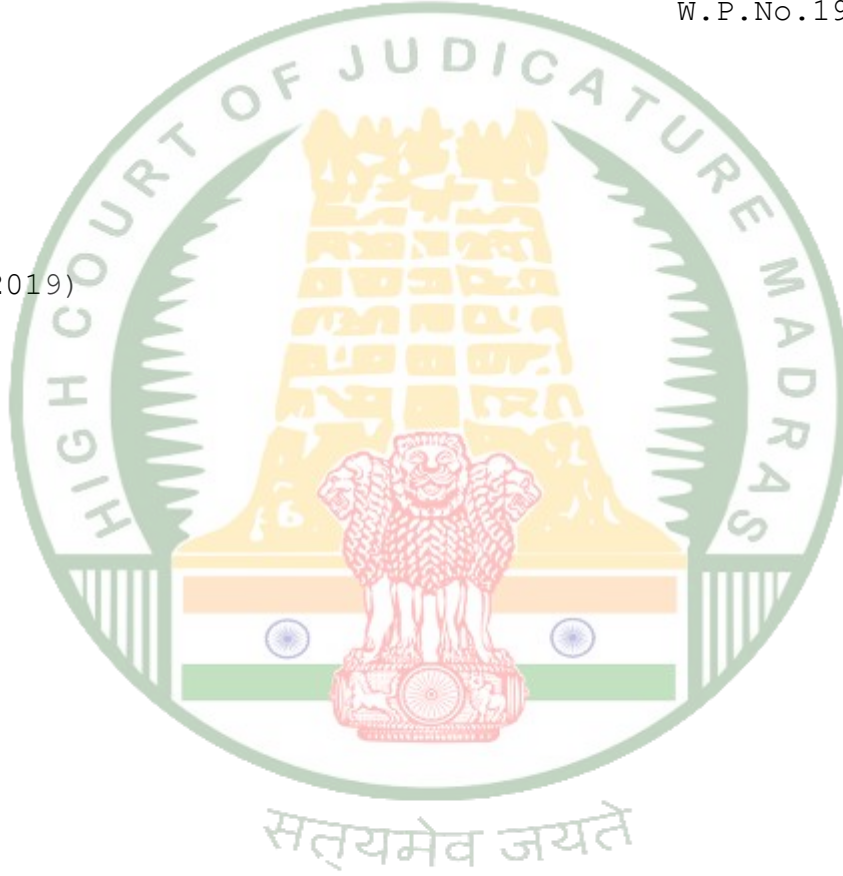
1.Deputy Registrar of Co-operative Societies,
(Housing),Vellore Region,
Vellore-6.

2.Sales Officer/Co-operative Field Officer,
Arakonam,
O/o Deputy Registrar of Co-operative Societies,
Ranipet,
Vellore District.

+1 CC to Mr.L.P.Shanmughasundaram, Advocate sr 63938.
+1 CC to The Spl. Govt. Pleader(CO op) sr 63800.

W.P.No.19658 of 2019

BS (CO)
SP(29/08/2019)



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