



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.11.2019**

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P. (MD) No. 22798 of 2018

and

W.M.P. (MD) No. 20666 of 2018

P.Pitchaiammal

... Petitioner

Vs.

1.The Deputy Registrar (Housing),
Virudhunagar Region,
Virudhunagar.

2.The Secretary,
MDA, HSG.109,
Rajapalayam Taluk Co-operative Housing Society,
Rajapalayam,
Virudhunagar District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned auction notice issued by the first respondent in his proceedings Ni.Ma.No.231/17-18, dated 14.09.2018 and quash the same as illegal and further direct the first respondent to consider the petitioner's representation dated 17.10.2018.

For Petitioner : Mr.S.Vashik Ali
for Mr.D.Nallathambi

For Respondents : Mr.B.Bhagawathy
Government Advocate

ORDER

Mr. S.Vashik Ali, learned Counsel on record for writ petitioner and Mr.B.Bagawathy, learned Government Advocate for respondents 1 and 2 are before this Court.

2. This writ petition was referred to 'Tamil Nadu Mediation and Conciliation Centre' (hereinafter 'TNMCC' for brevity) under the aegis of Madurai Bench of Madras High Court by a learned Predecessor Judge vide order of referral dated 11.12.2019, pursuant to which mediation proceedings were conducted and the same culminated in a settlement agreement dated 11.03.2019, which has been sent to this



Court under cover of a report also dated 11.03.2019.

3. Both learned Counsel for all the parties today submitted that parties to the writ petition were present before TNMCC on 11.03.2019 and have signed the settlement agreement. They are present before this Court today also.

4. Both learned Counsel make a request that the aforesaid settlement agreement may please be recorded and this writ petition may please be disposed of in terms of settlement agreement which reads as follows:



Tamil Nadu Mediation and Conciliation Centre
Madurai Bench of Madras High Court, Madurai.

SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT entered into on 11/03/2019 between

P.Pitchaiammal
and
The Deputy Registrar (Housing),
Virudhunagar Region, Virudhunagar.
and another

Petitioner

Respondents

WHEREAS

1. Disputes and differences had arisen between the Parties hereto and WP(MD)No.22798/2018 and WMP(MD)No.20888/2018 was filed 13/11/2018 before Hon'ble High Court.
2. The matter was referred to mediation / conciliation vide an order dated 11/12/2018 passed by THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN.
3. The parties agreed that Ms.J.Arundhavan and Mr.T.Jeen Joseph would act as their Mediators.
4. Several meetings were held and during the process of Mediation/Conciliation from 04/01/2019 to 11/03/2019 and all the parties have with the assistance of the Mediator voluntarily arrived at an amicable solution resolving the above mentioned disputes and differences.
5. The parties hereto confirm and declare that they have voluntarily and of their own free will arrived at this Settlement Agreement in the presence of the Mediators.

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6. The following settlement has been arrived at between the Parties hereto:

- i) As per the Hon'ble Court's order the petitioner has repaid the loan amount by two installments of Rupees one lakh each (totally Rupees Two lakh only) to the respondent (Society).
- ii) The Petitioner has paid Rs.2,50,000/- (Rupees two lakhs and fifty thousand only) through Demand Draft bearing No.935258 drawn from Indian Overseas Bank, Rajapalayam Bazaar Branch, dated 02/02/2019 to the Respondent Society. The said Demand Draft was received and acknowledged by the respondent Society on 14/02/2019 before Mediation.
- iii) The respondent issued closure report dated 16/02/2019 to the Petitioner on 19/02/2019.
- iv) The remaining part of the respondent's society to be release the original documents, being the loan amount settled by the Petitioner.
- v) A letter given by the respondent's society, dated 11/03/2019 enclosed herewith.

7. By signing this Agreement all the Parties hereto state that they have no further claims or demands against each other with respect to WP/MD/No.22798/2018 and all disputes and differences in this regard have been amicably settled by the Parties hereto through the process of conciliation (Mediation).

DATE: 11/03/2019

PARTIES SIGNATURE:

P.P. CHAIAMMA
(PETITIONER)THE SECRETARY
MDA HSO, KES, RAJAPALAYAM TALUK
COOPERATIVE HOUSING SOCIETY
RAJAPALAYAM,
VRUDHUNAGAR DISTRICTCOUNSELS SIGNATURE: MR. V. MEENAKSHISUNDARAM
(PETITIONER)

5. Writ Petition is disposed of in terms of aforesaid settlement agreement, the original settlement agreement shall be annexed to this order and shall form part of this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar (CS)



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To

1.The Deputy Registrar (Housing),
Virudhunagar Region,
Virudhunagar.

2.The Secretary,
MDA, HSG.109,
Rajapalayam Taluk Co-operative Housing Society,
Rajapalayam,
Virudhunagar District.

+1CC TO MR.D.NALLATHAMBI, Advocate Sr. No. 96204

W.P. (MD) No. 22798 of 2018
05.11.2019

SV-II (CO)
TR(22.11.2019) 4P 4C