

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

W.P.No.13773 of 2020
and WMP.No.17118 of 2020

T.M.Rajan

... Petitioner

..Vs..

1. The Deputy Registrar of Co-operative Societies
Hosur Circle,
Hosur.

2. KK, 127, Hosur Primary Agricultural
Co-operative Credit Society,
Hosur Circle,
Hosur,
Krishnagiri District.

... Respondents

This Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the sale notice form No.8 & 9 issued by the first respondent in E.P.No.2/2001-2002, E.P.No.3/2001-2002 in ARC.No.13,14/2000 Sa.pal dated 28.02.2020 quash the same and direct the respondents 1 & 2 to receive the surcharge amount in the surcharge No.14/2000 sa.pal dated 21.12.2001 with reasonable interest.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents: Mr.Bala Ramesh
Special Govt. Pleader

ORDER

This writ petition is filed against the auction sale notice dated 28.02.2020, based on the decision in the surcharge proceedings. As per the surcharge order, the petitioner is liable to pay a sum of Rs.72,40,628/-

2. When the matter was taken up for hearing on 30.09.2020 the petitioner offered to make the payment within a stipulated time, on the basis of which this Court granted an interim order and permitted the petitioner to pay a sum of Rs.72,40,628/- together with interest at 7.5% on or before 10.12.2020.

3. The petitioner towards the said amount of Rs.72,40,628/- paid only a sum of Rs.28,00,000/- on 05.02.2021 and another sum of Rs.10,00,000/- on 08.02.2021 and thereafter, no payment was made by the petitioner.

4. Mr.M.S.Palaniswamy, learned counsel for the petitioner, would submit that the petitioner has expressed that he is not in a position to pay the balance amount.

5. The impugned auction notice has been issued subsequent to the surcharge order. This Court shown some indulgence to the petitioner while entertaining this writ petition by granting an order of interim stay on the undertaking given by the petitioner that he would pay the amount due to be paid by him. The petitioner has also shown some bonafide and also paid a sum of Rs.28,00,000/- and another sum of Rs.10,00,000/- However, the petitioner has not paid the balance amount. Therefore, this writ petition is dismissed and consequently connected miscellaneous petition in WMP.No.17118 of 2020 is closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Deputy Registrar of Co-operative Societies
Hosur Circle,
Hosur.

2. KK, 127, Hosur Primary Agricultural
Co-operative Credit Society,
Hosur Circle,
Hosur, Krishnagiri District.

+1cc to the Government pleader Sr.11430
+1cc to Mr.M.S.Palaniswamy, Advocate Sr.10219
+1cc to Mr.R.Balaramesh, Advocate Sr.9980

W.P.No.13773 of 2020
and WMP.No.17118 of 2020

pa[co]
srg 31/03/2021