



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2022

C O R A M

THE HON'BLE MS.JUSTICE V.M.VELUMANI

W.P.No.5557 of 2022
and W.M.P.No.5664 of 2022

Karunakaran

...Petitioner

Vs

1.The Deputy Registrar,
Office of Deputy Registrar of Co-operative
Housing Society,
No.26-B, Azhagesan Nagar,
Changalpattu.

2.The President,
Z 104-A, Tiruvallur Taluk Co-operative
Housing Society,
M.V.Complex,
2nd Floor, C.V.Nayadu Road,
Thiruvallur - 602 001.

... Respondents

Prayer Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to furnish the copy of award passed in Thava.No.33/15-16 and forbearing the respondents to take action against the petitioner without furnishing the copy of award in Thava.No.33/15-16.

For Petitioner : Mr.R.Balaramesh

For Respondents: Mr.U.Baranidharan
Additional Government Pleader

ORDER

This Writ Petition is filed seeking for a direction to the respondents to furnish the copy of award passed in Thava.No.33/15-16 and forbearing the respondents to take action against the petitioner without furnishing the copy of award in Thava.No.33/15-16.



2. According to the petitioner, he availed housing loan of Rs.2,00,000/- from the 2nd respondent on 18.12.2010 and paid a sum of Rs.1,39,000/- and approached the 2nd respondent for one time settlement. The 2nd respondent informed the petitioner that his request will be considered. However, without considering the same, to the shock and surprise of the petitioner, the 2nd respondent issued notice dated 26.12.2021 calling upon the petitioner to pay a sum of Rs.6,02,000/- on or before 31.12.2021, failing which the property mortgaged will be brought for sale by public auction. According to the petitioner, only from the notice dated 26.12.2021, he came to know that award has been passed against him in respect of the Arbitration Proceedings. The respondents have not furnished the copy of the award and hence, the petitioner has come out with the present Writ Petition for a direction to the respondents to furnish the copy of the award in Thava.No.33/15-16 and restraining the respondents to take action against the petitioner without furnishing the copy of the award in Thava.No.33/15-16.

3. Mr. U. Baranidharan, learned Additional Government Pleader appearing for the respondents submitted that the petitioner has committed default in payment of installment and in view of the same, Arbitration Proceedings in Thava.No.33/15-16 under Section 90 of the Tamil Nadu Co-operative Societies Act was initiated. Before the Arbitrator, the petitioner appeared and promised that he will pay the said amount and the Arbitration Proceeding was adjourned at his request. Subsequently, he has not settled the amount. No award is passed in Arbitration Proceedings. Only a reminder notice was sent on 26.12.2021. He further submitted that a direction may be issued to the petitioner to appear before the Arbitrator and the Arbitrator will hear the petitioner and conduct Arbitration Proceedings in Thava.No.33/15-16.

4. Considering the above submissions, no order is necessary to be passed in the present Writ Petition directing the respondents to furnish the copy of the award. Arbitrator is directed to conduct the proceedings after issuing notice to the petitioner. On receiving notice, the petitioner is directed to cooperate in conducting Arbitration Proceedings.



5. With the above directions, the Writ Petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

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SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

rst

To:

1. The Deputy Registrar,
Office of Deputy Registrar of Co-operative
Housing Society,
No.26-B, Azhagesan Nagar,
Changalpattu.

2. The President,
Z 104-A, Tiruvallur Taluk Co-operative
Housing Society,
M.V. Complex,
2nd Floor, C.V. Nayadu Road,
Thiruvallur - 602 001.

+1cc to Mr. R. Balaramesh, Advocate Sr.20470
+1cc to the Government pleader Sr.20656

W.P.No.5557 of 2022

spd[co]
srg 12/04/2022