



W.P.No.25675 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2023

CORAM:

**THE HONOURABLE MR. JUSTICE D.BHARATHA
CHAKRAVARTHY**

W.P.No.25675 of 2011

and

M.P.No.1 of 2011

N.Rajagopal
S/o.Natesa Naicker

...Petitioner

Vs

1. The Deputy Registrar of Coop. Societies /
Co-op. Field Officer
Arcot,
Vellore District.

2. The Special Officer
Kalavai Kamadhenu Primary Agricultural
Co-op. Bank Ltd., Kalavai
Arcot Taluk
Vellore District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings No.C.E.P.No.-A.R.C.No.681/2008-2009 dated 11.10.2011 and quash the same.



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For Petitioner : Ms.R.Hemalatha
representing Mr.C.Prakasam
For Respondents : Mr.M.Muthuswamy
Government Advocate

ORDER

This writ petition is filed challenging the impugned order dated 11.10.2011 thereby, bringing the property of the petitioner for sale.

2. The case of the petitioner is that, in the connected criminal case, he was released on good conduct under the Probation of Offenders Act 1958. As far as the present claim is concerned, the total amount claimed by the respondent Society is Rs.1,73,698/-, out of which, the petitioner has already paid a sum of Rs.1,61,043/- thereby, leaving the balance of Rs.12,655/-. The petitioner has also produced the receipts in respect of the payment of the above said sum. The learned Government Advocate for the respondent is not in a position to rebut the same. Therefore, when only a part of the amount of Rs.12,655/- is due, the writ petition itself can be disposed of on the following terms:

(i) The petitioner shall pay the balance sum of



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Rs.12,655/- along with interest at the rate of 6% per annum from 01.08.2011 till the date of payment, within four weeks from the date of receipt of a copy of this order;

(ii) Upon such payment, the impugned notice or further auction proceedings pursuant thereto shall not be given effect to;

(iii) If the petitioner fails to pay the said sum, as directed above, it is open for the respondents to proceed further with the auction.

With the above directions, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

27.11.2023

Index:Yes/No
Speaking order/Non-speaking order
Neutral Citation : Yes/No



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D.BHARATHA CHAKRAVARTHY.J.,

mk

To

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Arcot,
Vellore District.
2. The Special Officer
Kalavai Kamadhenu Primary Agricultural
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