



W.P.No.22395 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.22395 of 2023

Murugesan

...Petitioner

Vs.

The State rep.by

1.The Registrar

O/o.The Registrar of Co-operative Societies
NV Natarajan Maaligai
No.170, Periyar EVR High Road
Poonamallee High Road
Kilpauk, Chennai 600 010.

2.The Deputy Registrar

O/o.The Deputy Registrar of Co-operative Societies
Teachers Colony
Thirukovilur Taluk
Kallakurichi District.

3.The Sales Officer

The Sub-Registrar cum Field Officer
Nainarpalayam Primary Agricultural Co-operative Society
Nainarpalayam Village
Chinnasalem Taluk
Kallakurichi District.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to refund the money sum of Rs.51,00,000/- (Rupees Fifty One Lakhs Only) with 18% interest pursuant to the petitioner's representation dated 06.07.2023.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.R.U.Dinesh Rajkumar
for R1 & R2
Additional Government Pleader

Mr.SP.Karthik for R3
Government Advocate

ORDER

The Writ Petition is filed seeking a direction to the second respondent to refund the money deposited by the petitioner for purchase of a property, which was brought for auction sale by the second respondent, by considering his representation dated 06.07.2023.

2. It is the case of the petitioner that the second respondent issued an auction notice on 21.09.2022 for sale of an immovable property in execution of the decree. The petitioner participated in the auction held on



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28.09.2022 and became successful bidder. The auction sale in favour of the petitioner was confirmed and he deposited a sum of Rs.8,50,000/- on the date of auction namely 28.09.2022. The remaining bid amount of Rs.42,50,000/- was paid by the petitioner to the second respondent on 03.10.2022. Therefore, in all the petitioner totally deposited a sum of Rs.51,00,000/- to the respondents towards the bid amount.

3. Eventhough the petitioner deposited entire bid amount to the second respondent, he failed to execute the sale deed in favour of the petitioner. After some time, the second respondent informed the petitioner on 24.04.2023 stating that the auction sale was cancelled. Therefore, the petitioner sent a representation on 17.05.2023 seeking refund of the bid amount deposited by him, but the same has not been considered. Therefore, the petitioner submitted another representation on 06.07.2023 seeking refund of the amount. Since the respondents failed to response to the reasonable request of the petitioner for refund of the amount, the petitioner has come by way of this Writ Petition.



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4. When the matter is taken up for hearing, the learned counsel for the third respondent produced the Demand Draft (DD.No.007034 dated 01.08.2023 drawn on Villupuram District Central Co-op.Bank Ltd) in the name of the petitioner for value of Rs.51,00,000/- and the same has been handed over to the counsel for petitioner, who accepted the same on behalf of petitioner.

5. The learned counsel for the respondents submitted that since the entire amount deposited by the petitioner has been returned to the petitioner by way of Demand Draft (DD.No.007034 dated 01.08.2023 drawn by the Villupuram District Central Co-op.Bank Ltd) no further orders are required in this Writ Petition.

6. Admittedly, the petitioner deposited the entire bid amount as early as 03.10.2022. For the reasons best known to the respondents the auction was cancelled. When the request was made by the petitioner there was no response from the respondents for few months and thereafter, the petitioner has come before this Court by way of this Writ Petition.



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7. Taking into consideration, the delay on the part of the respondents in returning the amount deposited by the petitioner, this Court is of the view it would be appropriate to direct the third respondent to pay the petitioner interest on the said amount of Rs.51,00,000/- at the rate of 6% from 03.10.2022 to the actual date of refund, namely 03.08.2023 to the petitioner. The interest amount shall be paid by the third respondent to the petitioner within a period of six weeks from today.

9. With the above directions, this Writ Petition is disposed of. No costs.

03.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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S.SOUNTHAR, J.

dna

To

1.The Registrar

O/o.The Registrar of Co-operative Societies

NV Natarajan Maaligai

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