



W.M.P.No.27121 of 2024

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in W.P.No.20231 of 2024

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V.BHAVANI SUBBAROYAN, J

This petition has been filed to modify the order dated 23.07.2024 in W.P.No.20231 of 2024.

2. Originally, in W.P.No.20231 of 2024, this Court, by order dated 23.07.2024, disposed of the Writ Petition, wherein it has been held as follows:

'8.Having considered the facts and circumstances of the case and submissions made by both side counsel, it seems that the petitioner was subjected to under enquiry for his misappropriation in the Society. Accordingly, Surcharge proceedings and Criminal proceedings in FIR No.2/2023 have filed against him. Under such circumstances, this Court is not inclined to entertain the present Writ petition and directs the petitioner to pay a sum of Rs.2 crore before the Society on or before 31.08.2024. If the petitioner fails to pay the aforesaid amount within the stipulated period, the respondents are at liberty to proceed with the auction proceedings in the manner known to law on 01.09.2024 itself. Until then, interim stay of the impugned proceedings shall be granted subject to payment of Rs.2 Crore.

9.In view of the above, the Writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.'



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3. Again the matter was listed on 26.07.2024 under the caption 'for being mentioned'.

4. On 26.07.2024, this Court clarified the said Writ Petition, wherein it has been held as follows:

'This matter is listed today under the caption 'For Being Mentioned'.

2. This Court vide order dated 23.07.2024 has directed the petitioner to deposit a sum of Rs.2 Crores (Rupees Two Crores) on or before 31.08.2024.

3. The Learned Additional Advocate General appearing for the respondent society would submit that the above said order would cause great hardship to the Society as the petitioner seeking time to pay the amount and he may not be able to pay the amount as per the said order. The Learned Additional Advocate General would further submit that the auction has been scheduled to be held on 24.07.2024 on the attached property. The petitioner may be directed to deposit Rs.2 Crores to show his bonafide.

4. The learned counsel for the petitioner would submit that the petitioner is unable to mobilize the amount within a short time and he will definitely pay the said amount within a period of four weeks.

5. In view of the above submissions, it is made clear that the petitioner shall deposit the amount Rs.2 Crores on or



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(ii) It is made clear that no further extension of time will be granted to the petitioner.'

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8. This Court had directed the Registry to post the matter on 18.11.2024 for reporting compliance.

9. When the matter is taken up for hearing today(22.11.2024), learned counsel for the petitioner submitted that he has filed change of vakalat before this Court.

10. Learned Special Government Pleader appearing for the respondents 1 to 3 would submit that though this Court directed the petitioner to pay a sum of Rs.1 crore on or before 06.09.2024 and another sum of Rs.1 crore on or before 13.09.2024, the petitioner failed to make payment and sought for another extension of four(4) weeks time. She further submitted that this Court vide order dated 30.08.2024 makes it clear that the respondents shall conduct the auction on 18.11.2024 at 11.00.a.m. for the sale of the attached property.

11. As per the order of this Court, the respondents were issued notice and conducted auction on 17.09.2024 and one Thangadhurai has purchased the schedule mentioned properties (S.No.3 and S.No.5) and paid a sum of



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Rs.2,43,000/- on 17.09.2024 and agreed to pay the remaining amount within a period of four(4) weeks and another schedule mentioned property at S.No.6 was purchased by one Shanmugam and he paid a sum of Rs.29,25,000/- on 17.09.2024 and agreed to pay the remaining amount within a period of four(4) weeks.

12. Considering the fact that the auction has been conducted, nothing survives further in this petition. Accordingly, this Writ Miscellaneous Petition is dismissed.

22.11.2024

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