



W.P.(MD) No. 12355 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 12355 of 2025

and

W.M.P.(MD No.9038 of 2025

R.Jaganath

... Petitioner

Vs

1. The Registrar of Co-Operative Societies,
No.170, E.V.R.Periyar Salai,
Kilpakkam,
Chennai 10.

2. The Deputy Registrar of Co-operative Societies,
O/o. Palani Deputy Registrar of Co-Operative Societies,
Palani
Dindigul District.

3. The Secretary,
A-331, Palani Co-Operative Urban Bank Ltd.,
No.5, Gandhi Salai,
Palani
Dindigul District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the public Auction sale notices of the respondents 2 and 3 through the proceedings dated.01.01.2024 and 07.04.2025 and set aside the same as illegal and consequently, direct the third respondent bank to receive the outstanding housing loan from the petitioner as per the scheme announced in G.O.Ms.No.164, dated. 13.12.2023.

For petitioner : Mr. S.Arivalagan

For respondents : Mr.K.R.Badurus Zaman
Government Advocate

ORDER

This Writ Petition is disposed of at the time of admission with the consent of the learned counsel for the petitioner and learned Government Advocate for the respondents.

2. The petitioner had availed a housing loan from the third respondent/Bank on 29.09.2016 for a sum of Rs.15,00,000/- which was repayable in 10 years with interest at 12.5% p.a.



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3. It is specific case of the petitioner that the petitioner was servicing the loan. However, due to the out break of Covid-19 pandemic, there was a large scale disruption. Hence, the petitioner was unable to service the loan. Under these circumstances, the second respondent has passed an order on 29.08.2022.

4. It is submitted that after the aforesaid order was passed by the second respondent, the Co-operative Department has issued G.O.(Ms) No.164, Co-operative, Food and Consumer Protection (CC1) Department, dated 13.12.2023, which entitled to the petitioner for reducing the rate of interest at 9%.

5. It is further submitted that the petitioner sent several representations, dated 19.02.2024, 22.03.2024, 03.08.2024, 18.09.2024, 20.09.2024 and 07.10.2024. Despite the petitioner's aforesaid representations, the impugned auction notice has been issued.

6. It is further submitted that the petitioner has built the house with great difficulty and hence, proposed auction pursuant to the impugned notice is unjustified under the provisions of Tamil Nadu Co-operative Societies Act, 1983.



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7. It is noticed that at the time of admission, this Court had directed the petitioner to deposit 50% of the loan outstanding amount on or before 09.07.2025.

8. The learned counsel for the petitioner submits that the petitioner has paid a sum of Rs.10,00,000/-, pursuant to the order, dated 28.04.2025. The petitioner has also produced a copy of the certificate, which is duly acknowledged by the respondents.

9. According to the petitioner, the amount due to be paid is Rs.17,08,306/-. The learned counsel for the petitioner submits that this amount will be paid by the petitioner in two installments.

10. Considering the same, the petitioner is directed to pay the first installment within a period of thirty (30) days from today and the second installment within sixty (60) days from today.



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11. The respondents are directed to consider the representation and pass appropriate orders. Subject to the petitioner paying the amounts, the security offered by the petitioner at the time of availing the loan will be discharged.

12. This Writ Petition is disposed of, with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
apd

18.07.2025

To

1. The Registrar of Co-Operative Societies,
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**W.P.(MD)No.12355 of 2025
and
W.M.P.(MD)No.9038 of 2025**

C.SARAVANAN, J.

This Writ Petition is listed today under the caption "for being mentioned" at the instance of the learned counsel for the petitioner.

2. The learned counsel for the petitioner submits that this Court, by order dated 18.07.2025, disposed of the Writ Petition, by directing the petitioner to pay the outstanding amount in two installments, namely, the first installment within 30 days from that date, and the second installment within 30 days thereafter. The Court further ordered that, subject to the petitioner paying the amount, the security offered at the time of availing the loan would be discharged.

3. The total outstanding amount as on 09.07.2025 was Rs.17,08,306/-. In terms of the interim order passed by this Court dated 28.04.2025, the petitioner has already paid a sum of Rs.10,00,000/-. Therefore, the balance amount payable is Rs.7,08,306/-. However, in Paragraph 9 of the order dated 18.07.2025, the balance amount has been erroneously recorded as "Rs.17,08,306/-". Hence, the



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learned counsel requested correction of the said order, along with modification of the time frame for payment.

3. Considering the above submissions of the learned counsel for the petitioner, and upon hearing the learned Government Advocate for the respondents, the Registry is directed to substitute Paragraphs 9 and 10 as follows:-

9. According to the petitioner, the amount due to be paid is Rs.7,08,306/-.

10. Considering the same, the petitioner is directed to pay the said amount within a week from today [19.08.2025], i.e., on or before **26.08.2025**.

4. In all other respects, the order dated 18.07.2025, shall remain unaltered. Registry is directed to carry out the above said correction and issue fresh order copy forthwith to the parties concerned.

19.08.2025

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