

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 08.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.16015 of 2015

and

M.P.No.1 of 2015

S.Muthukumar

... Petitioner

Versus

The Deputy Registrar
of Co-Operative Societies
Ponneri Circle
Ponneri Thiruvallur District.

.. Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, Directing the respondent herein to dispose of petitioners objection and claims on 06.04.2015 raised under Section 135(1) of Tamil Nadu Co-operative Societies Rules 1988 pursuant to Auction Sale Notice dated 26.03.2015 issued under Rules 126(2)(e) of Tamilnadu Co-operative Societies Rules 1988 relating to the petitioners property at Plot No.494 495 in S.No.480 of Maduravoyal Village Bharathidasan Nagar 12th Street Sithickai Ambattur Taluk Thiruvallore District.

For Petitioner : Mr.S.Ilamparithi

For Respondent: Mrs.T.P.Savitha
Government Advocate (Co.op. Soc.)

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims to have purchased the landed property admeasuring to an extent of 142.75 (71.75 + 71) square meters at Plot Nos.494 and 495, Bharathidasan Nagar, 12th Street, Sithichai, Maduravoyal Village, Ambattur Taluk, Thiruvallur District, by means of a registered document dated 11.01.2008 bearing Document No.174 of 2008 registered in the office of the Sub Registrar, Virugambakkam. The petitioner claims to be in possession and enjoyment of the same. The petitioner subsequently, applied for encumbrance certificate and entries would disclose about the notice dated 18.04.2005 issued by the respondent. The petitioner also filed a suit in O.S.No.2934 of 2014 against the Sub Registrar, Virugambakkam, for registration of notice under Section 167 of the

Tamil Nadu Societies Act, 1983. The defendant did not appear and therefore, he was set exparte and a decree came to be passed on 10.10.2014. The petitioner armed with the said decree approached the respondent once again for issuance of No Objection Certificate relating to the aforesaid property. However, the said officer has issued a fresh sale auction notice under Rule 126 (2)(e) of the Tamilnadu Co-operative Societies Rules, 1988 and it was also affixed on the wall of the petitioner's property. The petitioner in response to the sale notice dated 26.03.2015 submitted his objections under Rule 135(1) of the Tamilnadu Co-operative Societies Rules, 1988, and since it has not been disposed of, came forward to file this writ petition.

3. The Court heard the submissions of the learned counsel appearing for the petitioner as well as Mrs.T.P.Savitha, learned Government Advocate (Co-op. Societies), who accepts notice for the respondent.

4. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner, directs the respondent to consider the objections dated 06.04.2015 submitted by the petitioner, if not already disposed of, on merits and in accordance with law, and pass orders as expeditiously as possible and not later than four weeks from the date of receipt of a copy of this order and inform the decision taken, to the petitioner.

5. The writ petition is disposed of, accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To
The Deputy Registrar
of Co-Operative Societies Ponneri Circle
Ponneri Thiruvallur District.

+ 1 cc to Government Pleader Sr.27477

+ 1 c to M/s. S. Ilamparithi, Advocate Sr.27173

SAI (CO)
EU(17/06/2015)

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